FEDERAL REGISTER

VOLUME 24 NUMBER 221

Washington, Wednesday, November 11, 1959

Title 3—THE PRESIDENT

Proclamation 3325

THANKSGIVING DAY, 1959

By the President of the United States of America

A Proclamation

The time of harvest turns our thoughts once again to our national festival of Thanksgiving, and the bounties of nature remind us again of our dependence upon the generous hand of Providence.

In this sesquicentennial year of Abraham Lincoln's birth, it is fitting and proper that we should use his words contained in the historic proclamation of 1863, establishing this annual observance, to express anew our gratitude for America's "fruitful fields", for our national "strength and vigor", and for all our "singular deliverances and blessings".

The present year has been one of progress and heightened promise for the way of life to which we, the people, and the Government of the United States of America, are dedicated. We rejoice in the productivity of farm and factory, but even more so in the prospect of improvement of relations among men and among nations. We earnestly hope that forbearance, understanding, and conciliation will hold increasing sway among us and among all peoples everywhere.

In the enjoyment of our good life, let us not forget the birthright by which we reap the fruits of life and labor in this fair land. Let us stand fast by the principles of our republic enunciated in word and deed by the statesmen, teachers, and prophets to whom we owe our beginnings. Let us be thankful that we have been spared the consequences of human frailty and error in our exercise of power and freedom. As a token of our gratitude for God's gracious gift of abundance, let us share generously with those less fortunate than we at home and abroad. Let us at this season of Thanksgiving perform deeds of thanksgiving; and, throughout the year, let us fulfill those obligations of citizenship and humanity which spring from grateful hearts.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, in consonance with the joint resolution of the Congress approved December 26, 1941, 55 Stat. 862 (5 U.S.C. 87b), designating the fourth Thursday of November in each year as Thanksgiving Day, do hereby proclaim Thursday, November 26, 1959, as a day of national thanksgiving. On that day let us gather in sanctuaries dedicated to worship and in homes devoted to family sharing and community service to express our gratitude for the inestimable blessings of God; and let us earnestly pray that He continue to guide and sustain us in the great unfinished task of achieving peace among men and nations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of November in the year of our Lord nineteen hundred and [SEAL] fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 59-9644; Filed, Nov. 9, 1959; 4:38 p.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Farm Credit Administration

1. Effective December 31, 1959, paragraph (b) of § 6.141 is amended as set out below.

§ 6.141 Farm Credit Administration.

* * * * *

(b) Federal Land Bank Association receivers and conservators.

(Continued on p. 9187)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

REpublic 7-7500 Extension 3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

CODIFICATION GUIDE—Con.

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Proposed rules:	
181	9218
182	9218

2. Effective January 2, 1960, paragraphs (a) and (d) of § 6.141 are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-9500; Filed, Nov. 10, 1959; 8:52 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) (19) and (22), (d) (4) and (r) (1) § 6.302 are revoked, the headnotes of paragraphs (e) and (r) and paragraph (e) (1) are amended, and paragraphs (a) (23), (r) (2), and (t) (1), (2), (3) and (4) are added, as set out below.

§ 6.302 Department of State.

(a) *Office of the Secretary.* * * *

(23) Two Special Assistants and one Confidential Assistant to the Under Secretary for Political Affairs.

* * * * *

(e) *Bureau of Economic Affairs.* (1) Two Deputy Assistant Secretaries for Economic Affairs.

* * * * *

(r) *Office of the Deputy Under Secretary for Political Affairs.* * * *

(2) One Special Assistant to the Deputy Under Secretary.

* * * * *

(t) *Bureau of International Cultural Relations.* (1) Special Assistant to the Secretary for International Cultural Relations.

(2) One Private Secretary to the Special Assistant to the Secretary for International Cultural Relations.

(3) Director, UNESCO Relations Staff.

(4) Special Assistant for Foundation and Private Organization Contact.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-9501; Filed, Nov. 10, 1959; 8:52 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Post Office Department

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (10) of § 6.309 is revoked and paragraph (a) (8) is amended as set out below.

§ 6.309 Post Office Department.

(a) *Office of the Postmaster General.* * * *

(8) Two secretaries to the Executive Assistant to the Postmaster General.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-9593; Filed, Nov. 10, 1959; 8:53 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Civil Aeronautics Board

Effective upon publication in the FEDERAL REGISTER, paragraph (q) is added to § 6.337 as set out below.

§ 6.337 Civil Aeronautics Board.

* * * * *

(q) The Associate Director (Legal and Planning), Bureau of Air Operations.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-9592; Filed, Nov. 10, 1959; 8:53 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Notice 1, Amdt. 1]

PART 421—GRAINS AND RELATED COMMODITIES

Applicability of Provisions Contained in 1960 Agricultural Appropriation Act—Public Law 86-80 to Grain

Item 1 of the above notice published in (24 F.R. 8477) is amended by adding the grain commodities corn, rice and rye to the list of commodities declared in surplus supply so that the amended paragraph reads as follows:

1. The grain commodities presently declared in surplus supply for the purpose of P.L. 86-80 and to which the provisions of the Act are applicable are: Wheat, barley, grain sorghums, corn, rice and rye. (Additional grain commodities may be added by amendment to this notice.) The term "commodity" hereinafter used in this notice shall be deemed to refer to each of the grain commodities specified in this paragraph.

(Pub. Law 86-80)

Issued this 5th day of November 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-9603; Filed, Nov. 10, 1959; 8:53 a.m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

PART 502—SPECIAL MILK PROGRAM FOR CHILDREN

Miscellaneous Amendments

The designated sections and paragraphs of the regulations for the Special Milk Program for Children are hereby amended to read as follows:

§ 502.200 General purpose and scope.

This part announces the policies and prescribes the general regulations with respect to the operation of the Special Milk Program for Children, under Public Law 85-478, as amended, and sets forth the general requirements for participation in the Program. The act reads as follows:

For the fiscal year beginning July 1, 1958, not to exceed $78,000,000, and for the fiscal year beginning July 1, 1959, not to exceed $81,000,000, and for the fiscal year beginning July 1, 1960, not to exceed $84,000,000, of the funds of the Commodity Credit Corporation shall be used to increase the consumption of fluid milk by children (1) in nonprofit schools of high school grade and under; and (2) in nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. Amounts expended hereunder and under the authority contained in the last sentence of section 201(c) of the Agricultural Act of 1949, as amended, shall not be considered as amounts expended for the purpose of carrying out the price-support program.

§ 502.202 Advance of funds to State Agencies.

(a) As soon as possible after the beginning of each Federal fiscal year, FDD-AMS will announce the amount of funds which it will reserve for that fiscal year for each State Agency. In establishing each reserve, FDD-AMS will take into account the total amount of reimbursement payments made during the preceding Federal fiscal year to the class or classes of schools and institutions in which the State Agency will administer the program during the then current year.

* * * * *

§ 502.203 Reimbursement.

* * * * *

(b) (1) Until March 1, 1960, the maximum rate of reimbursement for schools that offer milk to children as a separately priced item shall be four cents per half pint in schools that serve Type A lunches under the National School Lunch Program. For other schools and for child-care institutions that offer milk to children as a separately priced item, the

maximum rate of reimbursement shall be three cents per half pint.

(2) Effective March 1, 1960, the maximum authorized rates of reimbursement shall be three and one-half cents per half pint for schools that serve Type A lunches under the National School Lunch Program. For other schools and for child-care institutions that offer milk to children as a separately priced item the maximum authorized rate of reimbursement shall be two and one-half cents per half pint.

(3) Less-than-maximum rates of reimbursement shall be assigned, or assigned rates shall be adjusted, if circumstances indicate such action is advisable.

§ 502.218 [Deletion]

Section 502.218 *Operations pending issuance of regulations* is deleted.

(Sec. 4, 62 Stat. 1070; 15 U.S.C. 714b. Interpret or apply 72 Stat. 276, 73 Stat. 363; 7 U.S.C. 1446 note)

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER.

TRUE D. MORSE,
Acting Secretary.

NOVEMBER 5, 1959.

[F.R. Doc. 59-9578; Filed, Nov. 10, 1959; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 167, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) of § 914.467 (Navel Orange Regulation 167, 24 F.R. 8892) are hereby amended to read as follows:

(i) District 1: Unlimited movement.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 6, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-9602; Filed, Nov. 10, 1959; 8:53 a.m.]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Definitions

Notice was published in the FEDERAL REGISTER issue of October 20, 1959 (24 F.R. 8466), that the Department was giving consideration to a proposed amendment to the rules and regulations (7 CFR Part 922.100 et seq.; Subpart—Rules and Regulations) currently in effect pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, which was submitted by the Valencia Orange Administrative Committee (established pursuant to the said marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are hereby amended as follows:

Add the following new paragraph to § 922.100:

(e) Pursuant to § 922.18, the quantity of oranges comprising a carload, as such term is therein defined, is hereby increased from a quantity of oranges equivalent to 924 cartons of oranges to a quantity of oranges equivalent to 1,000 cartons of oranges.

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 6, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-9577; Filed, Nov. 10, 1959; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-311]

[Amdt. 84]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

The purpose of this amendment to § 600.6103 of the regulations of the Administrator is to modify the segment of VOR Federal airway No. 103, which extends from the Greensboro, N.C., VOR to the Hollins, Va., VORTAC.

This segment of Victor 103 is presently designated from the Greensboro VOR via the intersection of the South Boston, Va., VOR 261° and the Greensboro VOR 360° radials, to the Hollins VORTAC. The present alignment of Victor 103 between Greensboro and Hollins, via the above intersection was necessary because the Greensboro direct radial to Hollins was unsatisfactory for airway use. As information has been received that this direct radial is now operating normally, the airway segment between Greensboro and Hollins is being redesignated direct station-to-station. The control areas associated with Victor 103 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6103 (14 CFR, 1958 Supp., 600.6103, 24 F.R. 702) is amended as follows:

In the text of § 600.6103 *VOR Federal airway No. 103 (Greensboro, N.C., to Windsor, Ontario)*, delete "From the Greensboro, N.C., VOR via the point of INT of the South Boston, Va., VOR 261° and the Greensboro VOR 360° radials; Hollins, Va., VOR;" and substitute therefor "From the Greensboro, N.C., VOR via the Hollins, Va., VORTAC;".

This amendment shall become effective 0001 e.s.t. December 17, 1959.

(Secs 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R Doc. 59-9553; Filed, Nov. 10, 1959; 8:48 a.m.]

[Airspace Docket No. 59-WA-61]

[Amdt. 91]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 103]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas and Designated Reporting Points; Redesignation of Control Area Extensions

The purpose of these amendments to Parts 600 and 601 and §§ 601.1161 and 601.1257 of the regulations of the Administrator is to revoke Red Federal airway No. 12, which extends from Chicago, Ill., to Detroit, Mich., its associated control areas and designated reporting points, and to modify the Chicago, Ill., and Goshen, Ind., control area extensions.

The Federal Aviation Agency IFR peak day survey for each half of calendar year 1958 showed less than seven aircraft movements on the airway. On the basis of this survey, it appears that the retention of this airway, and its associated control areas is unjustified as an assignment of airspace and that revocation thereof will be in the public interest. Coincident with this action, § 601.4212, relating to the reporting points for this airway, will be revoked. Moreover, Red 12 is also used to describe the boundaries of the Chicago and Goshen control area extensions. The revocation of this airway will necessitate the redescription of these control area extensions by use of a VOR Federal airway. The airspace encompassed by these modifications is essentially the same as that presently designated.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Part 600 (14 CFR, 1958 Supp., Part 600) and Part 601 and §§ 601.1161 and 601.1257 (14 CFR, 1958 Supp., Part 601; 601.1161, 24 F.R. 7369, 7895; 601.1257) are amended as follows:

1. Section 600.212 *Red Federal airway No. 12 (Chicago, Ill., to Detroit, Mich.)* is revoked.

2. Section 601.212 *Red Federal airway No. 12 control areas (Chicago, Ill., to Detroit, Mich.)* is revoked.

3. Section 601.4212 *Red Federal airway No. 12 (Chicago, Ill., to Detroit, Mich.)* is revoked.

4. In the text of § 601.1161 *Control area extension (Chicago, Ill.)* delete "on the north by Red Federal airway No. 12" and substitute therefor "on the north by VOR Federal airway No. 10".

5. In the text of § 601.1257 *Control area extension (Goshen, Ind.)* delete "on the north by Red Federal airway No. 12" and substitute therefor "on the north by VOR Federal airway No. 10".

These amendments shall become effective 0001 e.s.t. January 14, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 3, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9556; Filed, Nov. 10, 1959; 8:48 a.m.]

[Airspace Docket No. 59-WA-94]

[Amdt. 94]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 106]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of a Federal Airway and Associated Control Areas

On September 4, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 7166) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the Regulations of the Administrator which would designate a new VOR Federal airway from the New Orleans, La., VOR, to the Meridian, Miss., VORTAC.

As stated in the notice, VOR Federal airway No. 455 is to be designated from the New Orleans VOR via the Picayune, Miss., VOR, and a new VOR facility to be installed approximately March 10, 1960, near Hattiesburg, Miss., at latitude 31°25'05" N., longitude 89°20'24" W., to the Meridian VORTAC. In addition, a west alternate to this airway will be designated from the Hattiesburg VOR to the Meridian VORTAC via the Hattiesburg VOR 010° and the Meridian VORTAC 229° radials. This airway will provide a direct airway routing between New Orleans, Picayune, Hattiesburg, and Meridian, and provide a bypass route for long range flights from New Orleans to Birmingham, Ala., Atlanta, Ga., Washington, D.C., and New York, N.Y., thus reducing congestion in the Mobile, Ala., and Montgomery, Ala., terminal areas. The west alternate will be used as an alternate routing between Hattiesburg and Meridian, to bypass military aircraft airport approach operations at Meridian. Victor 455 and its associated control areas is hereby designated from the New Orleans VOR via the Picayune VOR and the Hattiesburg VOR to the Meridian VORTAC, including a west alternate from the Hattiesburg VOR to the Meridian VORTAC via the intersection of the Hattiesburg VOR 010° and the Meridian VORTAC 229° radials.

No adverse comment was received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) are amended by adding the following sections:

§ 600.6455 VOR Federal airway No. 455 (New Orleans, La., to Meridian, Miss.).

From the New Orleans, La., VOR via the Picayune, Miss., VOR; Hattiesburg, Miss., VOR; to the Meridian, Miss., VORTAC, including a W alternate via the INT of the Hattiesburg VOR 010° and the Meridian VORTAC 229° radials.

§ 601.6455 VOR Federal airway No. 455 control areas (New Orleans, La., to Meridian, Miss.).

All of VOR Federal airway No. 455, including a W alternate.

These amendments shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 3, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9559; Filed, Nov. 10, 1959; 8:48 a.m.]

[Airspace Docket No. 59-WA-93]

[Amdt. 82]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 93]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Extension of Federal Airway, Associated Control Areas and Designation of Reporting Points

On August 19, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 6718) stating

that the Federal Aviation Agency was considering an amendment to §§ 600.6222 and 601.6222 of the regulations of the Administrator which would extend a segment of VOR Federal airway No. 222 from McComb, Miss., to Evergreen, Ala., via a new VOR facility located near Hattiesburg, Miss.

As stated in the notice, Victor 222 presently extends from El Paso, Tex., to McComb, Miss., and from Norcross, Ga., to Gordonsville, Va. The Federal Aviation Agency is modifying the segment of Victor 222 from El Paso to McComb by extending the airway from the McComb VOR via a new VOR facility near Hattiesburg located at latitude 31°25'05" N., longitude 89°20'24" W., to be commissioned during the month of March 1960. The airway will then provide a bypass routing for east and west bound aircraft that presently utilize airways within the New Orleans terminal area complex. This action will result in Victor 222 extending from the El Paso, VOR to the Evergreen, VOR and from the Norcross, VOR to the Gordonsville, VOR. The control areas associated with Victor 222 are designated so that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control area is necessary, except in the caption to § 601.6222. Although not mentioned in the notice, Hattiesburg VOR is required as a reporting point, therefore, § 601.7001 is amended by adding Hattiesburg VOR.

No adverse comment was received concerning the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6222 (14 CFR, 1958 Supp., 600.6222, 24 F.R. 1284, 24 F.R. 2646, 24 F.R. 3871), § 601.6222 (14 CFR, 1958 Supp., 601.6222, 24 F.R. 1286) and § 601.7001 (14 CFR, 1958 Supp., 601.7001) are amended as follows:

1. Section 600.6222 *VOR Federal airway No. 222 (El Paso, Tex., to Gordonsville, Va.)*:

(a) In the caption delete "*(El Paso, Tex., to Gordonsville, Va.)*." and substitute therefor "*(El Paso, Tex., to Evergreen, Ala., and Norcross, Ga., to Gordonsville, Va.)*."

(b) In the text delete "to the McComb, Miss., VOR." and substitute therefor "McComb, Miss., VOR; Hattiesburg, Miss., VOR; to the Evergreen, Ala., VOR."

2. In the caption of § 601.6222 *VOR Federal airway No. 222 control areas (El Paso, Tex., to Gordonsville, Va.)* delete "*(El Paso, Tex., to Gordonsville, Va.)*." and substitute therefor "*(El Paso, Tex., to Evergreen, Ala., and Norcross, Ga., to Gordonsville, Va.)*."

3. In the text of § 601.7001 *Domestic VOR reporting points*, add: Hattiesburg, Miss., VOR.

These amendments shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 3, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9558; Filed, Nov. 10, 1959; 8:48 a.m.]

[Airspace Docket No. 59-KC-65]

[Amdt. 92]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 104]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway and Designated Reporting Points

The purpose of these amendments to §§ 600.6422 and 601.7001 of the regulations of the Administrator is to change the name of the Merriam, Ind., VOR, to the Wolflake, Ind., VOR.

The above action is being taken in order to eliminate misunderstanding when aircraft report over two other similarly named reporting points in the same area; the Marion, Ind., intersection, and the Marion, Ohio, intersection. The name change, Wolflake, Ind., for the Merriam, Ind., VOR is being reflected in the description of VOR Federal airway No. 422. Accordingly, no amendment to the control areas relating to this airway is necessary. Additionally, it will be necessary to amend § 601.7001, relating to designated reporting points.

Since these amendments impose no additional burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6422 (24 F.R. 1284) and § 601.7001 (14 CFR, 1958 Supp., 601.7001) are amended as follows:

1. In the text of § 600.6422 *VOR Federal airway No. 422 (Chicago, Ill., to Attica, Ohio)* delete "Merriam, Ind., VOR;" and substitute therefor "Wolflake, Ind., VOR;".

2. In the text of § 601.7001 *Domestic VOR reporting points* delete "Merriam, Ind., VOR," and substitute therefor "Wolflake, Ind., VOR."

These amendments shall become effective 0001 e.s.t. January 14, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 3, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9561; Filed, Nov. 10, 1959; 8:49 a.m.]

[Airspace Docket No. 59-FW-3]

[Amdt. 99]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On September 1, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 7082) stating that the Federal Aviation Agency was considering an amendment to § 601.2154 of the regulations of the Administrator which would add control zone extensions along the west and east courses of the Memphis, Tenn., ILS localizer.

As stated in the notice, ILS instrument approaches to Runways 9 and 27 have been prescribed. In order to provide adequate controlled airspace for these ILS approaches, it is necessary to designate control zone extensions to the west and the east. Although in the notice, the extensions were described as ten miles beyond the approach fix, it is necessary to extend them twelve miles to provide full protection to the instrument approach.

No adverse comment was received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 601.2154 (14 CFR, 1958 Supp., 601.2154) is amended to read as follows:

§ 601.2154 Memphis, Tenn., control zone.

Within a five-mile radius of the Memphis Municipal Airport and within two miles either side of the S course of the Memphis RR extending to a point twelve miles S of the RR; within two miles either side of the Memphis VOR 112° radial, extending from the five-mile radius zone to a point twelve miles E of the VOR; within two miles either side of the W course of the ILS localizer extending from the five-mile radius zone to a point twelve miles W of the Brooks RBN; and within two miles either side of the E course of the ILS localizer extending from the five-mile radius zone to a point twelve miles E of the Oakville INT.

This amendment shall become effective 0001 e.s.t. January 14, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 3, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9554; Filed, Nov. 10, 1959; 8:48 a.m.]

[Airspace Docket No. 59-KC-45]

[Amdt. 112]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Control Zone

On September 12, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 7384) stating that the Federal Aviation Agency proposed to amend Part 601 of the regulations of the Administrator by designating a control zone at K. I. Sawyer AFB, Mich.

As stated in the notice, the Federal Aviation Agency, at the request of the United States Air Force, is designating a control zone at the K. I. Sawyer AFB near Marquette, Mich. The K. I. Sawyer AFB was reactivated on or about October 18, 1959. Reactivation of this air base will result in a high volume of military traffic which will make TVOR instrument approaches from the north and from the south to Runways 19 and 1. To provide adequate separation for aircraft conducting instrument approaches, the control zone will be designated within a five mile radius of the K. I. Sawyer AFB, Mich., with extensions from the five mile radius zone, to a point eight miles north and to a point fifteen miles south of the TVOR.

No comment was received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F. R. 4530), Part 601 (14 CFR, 1958 supp., Part 601) is amended by adding the following section:

§ 601.2461 Marquette, Mich., control zone (K. I. Sawyer AFB).

Within a five-mile radius of the K. I. Sawyer AFB, within two miles either side of the K. I. Sawyer TVOR 009° radial from the five mile radius zone to a point eight miles north of the TVOR, and within two miles either side of the TVOR 189° radial from the five mile radius zone to a point fifteen miles south of the TVOR.

This amendment shall become effective 0001 e.s.t. December 17, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 3, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9555; Filed, Nov. 10, 1959; 8:48 a.m.]

[Airspace Docket No. 59-KC-10]

[Amdt. 109]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Control Zone

On September 5, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 7206) stating that the Federal Aviation Agency proposed to amend Part 601 of the regulations of the Administrator by revoking the Lamoni, Iowa, control zone.

As stated in the notice, the Lamoni control zone is presently designated to include the airspace within a three mile radius centered on Lamoni Airport and within two miles either side of the 166° True radial of the Lamoni VOR extending from the three mile radius zone to a point 12 miles south of the VOR. The Federal Aviation Agency IFR peak day survey for calendar year 1958 showed there were only three instrument approaches conducted within this control zone. On the basis of this survey, the retention of this control zone is unjustified as an assignment of airspace and the revocation thereof is in the public interest. Such action will result in the revocation of the Lamoni control zone.

No comment was received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Part 601 (14 CFR, 1958 supp., Part 601) is amended as follows:

Section 601.2432 (*Lamoni, Iowa, control zone*) is revoked.

This amendment shall become effective 0001 e.s.t. January 14, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 3, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9560; Filed, Nov. 10, 1959; 8:48 a.m.]

[Airspace Docket No. 59-WA-302]

[Amdt. 101]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of a Control Area Extension

The purpose of this amendment to § 601.1468 of the regulations of the Administrator is to modify the Pellston, Mich., control area extension.

The present Pellston control area extension includes the airspace within a fifteen mile radius centered on the Pellston airport, now named the Emmet County airport. There now exists a requirement to add to the Pellston control area extension additional airspace to provide controlled airspace for aircraft maneuvering northeast of the proposed Pellston VOR, to be located at latitude 45°37'47" N., longitude 84°39'42" W., which is scheduled for commissioning approximately December 15, 1959. Such action will result in the Pellston control area extension encompassing the airspace within a fifteen mile radius of the geographical center of the Emmet County airport, and within five miles either side of the 062° radial of the Pellston VOR extending to a point fifteen miles northeast of the VOR.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the notice, and public procedures provisions of section 4 of the Administrative Procedure Act, have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 601.1468 (24 F.R. 3229) is amended as follows:

§ 601.1468 Control area extension (Pellston, Mich.).

That airspace within a 15-mile radius of the geographical center of the Emmet County airport, Pellston, Mich., and that airspace within 5 miles either side of the 062° radial of the Pellston VOR extending from the VOR to a point 15 miles northeast of the VOR.

This amendment shall become effective 0001 e.s.t. January 14, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 3, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9562; Filed, Nov. 10, 1959; 8:49 a.m.]

[Airspace Docket No. 59-WA-201]

[Amdt. 20]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Modification of Coded Jet Route

The purpose of this amendment to § 602.141 of the regulations of the Administrator is to modify the segment of L/MF jet route No. 41, between Tallahassee, Fla., and Montgomery, Ala.

This segment of J–41–L presently extends from Tallahassee radio range via the intersection of the northwest course of the Tallahassee range and the southeast course of the Dothan, Ala., radio range thence via the Dothan range to the Montgomery (Maxwell AFB) radio range. The Dothan radio range is scheduled for decommissioning on December 17, 1959, because this facility is no longer required for air traffic control purposes. Therefore, it is necessary to modify J–41–L by realigning this segment of the airway. Such action will result in J–41–L extending direct from Tallahassee radio range to Montgomery (Maxwell AFB) radio range.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 602.141 (14 CFR, 1958 Supp., § 602.141, 24 F.R. 1287) is amended to read:

§ 602.141 L/MF jet route No. 41 (Miami, Fla., to Omaha, Nebr.).

From the Miami, Fla., RBN via the Tampa, Fla., RR; Tallahassee, Fla., RR; Montgomery, Ala., (Maxwell AFB), RR; Memphis, Tenn., RR; Springfield, Mo., RR; Kansas City, Mo., RR to the Omaha, Nebr., RR.

This amendment shall become effective 0001 e.s.t. January 14, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 3, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–9557; Filed, Nov. 10, 1959; 8:48 a.m.]

[Airspace Docket No. 59–WA–327]

[Amdt. 23]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Modification of Coded Jet Route

The purpose of this amendment to § 602.142 of the regulations of the Administrator is to modify the segment of L/MF jet route No. 42 between Dallas, Tex., and Memphis, Tenn.

This segment of J–42–L presently extends from the Dallas radio beacon to the Memphis radio range via the Little Rock, Ark., radio range. A segment of VOR/VORTAC jet route No. 42 presently extends from the Dallas VOR to the Memphis VOR via the Texarkana, Tex., VOR. The Federal Aviation Agency is modifying the segment of J–42–L from the Dallas radio beacon to the Memphis radio range via the Texarkana radio range in lieu of the Little Rock radio range. This will simplify the route structure and improve air traffic management by providing one general flight path for both L/MF and VOR/VORTAC jet routes in this area. Such action will result in this segment of J–42–L extending from the Dallas radio beacon to the Memphis radio range via the Texarkana radio range.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 602.142 (14 CFR, 1958 Supp., 602.142) is amended as follows:

In the text of § 602.142 *L/MF jet route No. 42 (Dallas, Tex., to Norfolk, Va.)*, delete "From the Dallas, Tex., RR via the Little Rock, Ark., RR;" and substitute therefor "From the Dallas, Tex., RBN via the Texarkana, Tex., RR;".

This amendment shall become effective 0001 e.s.t. January 14, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 3, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–9563; Filed, Nov. 10, 1959; 8:49 a.m.]

[Airspace Docket No. 59–FW–13]

[Amdt. 29]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Establishment of Coded Jet Route

On September 30, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 7881) stating that the Federal Aviation Agency proposed to amend Part 602 of the regulations of the Administrator by establishing VOR/VORTAC jet route No. 85 between Miami, Fla., and the United States-Canadian border for scheduled air carrier jet aircraft service between Miami and Detroit, Mich. This air carrier jet aircraft service will be inaugurated on December 13, 1959.

The Federal Aviation Agency is designating J–85–V from the Miami VOR to the United States-Canadian border via the Gainesville, Fla., VOR, the Alma, Ga., VOR, the Spartanburg, S.C., VOR, the Charleston, W. Va., VORTAC and the Cleveland, Ohio, VOR. The portion of J–85–V between Miami and Alma will coincide with existing VOR/VORTAC jet route No. 49 and thus provide continuity of the route and simplification of flight planning; the portion between Cleveland and the United States-Canadian border will be designated via the Cleveland VOR direct radial to the Windsor, Ont., VOR. Air traffic utilizing J–85–V will proceed from the United States-Canadian border to the Windsor VOR via VOR Federal airway No. 42.

The Notice refers to the "354°" radial of the Gainesville VOR, the Charleston "VOR", and the "334°" radial of the Cleveland VOR. These radials have been changed herein to the "353°" and "328°" respectively. In addition, the Charleston VOR is now the Charleston VORTAC. This is also reflected herein.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Part 602 (14 CFR, 1958 Supp., Part 602) is amended by adding the following section:

§ 602.585 VOR/VORTAC jet route No. 85 (Miami, Fla., to the United States-Canadian Border).

From the Miami, Fla., VOR via the INT of the Miami VOR 316° and the Gainesville, Fla., VOR 167° radials; Gainesville VOR; INT of the Gainesville VOR 353° and the Alma, Ga., VOR 179° radials; Alma VOR; Spartanburg, S.C., VOR; Charleston, W. Va., VORTAC; INT of the Charleston VORTAC 357° and the Cleveland, Ohio, VOR 172° radials; Cleveland VOR; to the INT of the Cleveland VOR 328° radial and the United States-Canadian Border.

This amendment shall become effective 0001 e.s.t. December 13, 1959.

Issued in Washington, D.C., on November 9, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–9604; Filed, Nov. 10, 1959; 8:54 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Klamath Indian Irrigation Project, Oregon

On May 29, 1958, there was published in the FEDERAL REGISTER (23 F.R. 3719), notice of intention to amend 25 CFR

221.48a to establish the assessable acreage of the Modoc Point, Spring Creek, Agency and Sand Creek Units of the Klamath Indian Irrigation Project.

Interested persons were given an opportunity to participate in the preparation of the proposed amendment by submitting data or arguments within thirty days from the date of publication of the notice in the FEDERAL REGISTER. No written or oral communications pertaining to the Spring Creek, Agency or Sand Creek Units were received within the period specified. Therefore, § 221.48a was amended to include the above three units and was published in the FEDERAL REGISTER, October 17, 1958 (23 F.R. 8055).

Final publication, at that time, of the areas assessable of the Modoc Point Unit was withheld until further consideration could be given to the five written communications that were received protesting the establishment of the assessable areas of the Unit at 5582.63 acres. The protests have been thoroughly considered and as a result of such consideration the total area of 5582.63 acres, as shown in the Modoc Point Designation Report of July 1957, Volume 2, on file with the Bureau of Indian Affairs, Washington 25, D.C., is hereby reduced to a total of 5501.94 acres of assessable lands. The acreage changes are shown in the enclosure accompanying the Acting Area Director's letter of October 8, 1959, to the Commissioner of Indian Affairs, which acreage changes are approved and incorporated as a part of the 1957 Report.

The designation for the Spring Creek, Agency and Sand Creek Units is shown in the Area Director's report, Portland Area Office, of February 1958, on file with the Bureau of Indian Affairs.

1. Section 221.48a is amended to read as follows:

§ 221.48a Areas assessable.

The assessable areas of the Modoc Point, Spring Creek, Agency and Sand Creek Units are hereby designated as follows:

	Acres
Modoc Point Unit	5501.94
Spring Creek Unit	1020.00
Agency Unit	4233.80
Sand Creek Unit	1150.00

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U.S.C. 385)

FRED G. AANDAHL,
Acting Secretary of the Interior.

NOVEMBER 4, 1959.

[F.R. Doc. 59-9569; Filed, Nov. 10, 1959; 8:49 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6425]

PART 301—PROCEDURE AND ADMINISTRATION

Miscellaneous Amendments

In order to conform the Regulations on Procedure and Administration (26 CFR Part 301) to (1) the amendments made to the Internal Revenue Code of 1954 by the Act of February 11, 1958 (Public Law 85-323, 72 Stat. 8), the Tax Rate Extension Act of 1958 (72 Stat. 259), the Social Security Amendments of 1958 (72 Stat. 1013), the Technical Amendments Act of 1958 (72 Stat. 1606), the Excise Tax Technical Changes Act of 1958 (72 Stat. 1275), the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112), and the Tax Rate Extension Act of 1959 (73 Stat. 157), and (2) 38 U.S.C. 562(c), as enacted into positive law by the Act of September 2, 1958 (Public Law 85-857, 72 Stat. 1105), and 10 U.S.C. 1440, as enacted into positive law by the Act of August 10, 1956 (Public Law 1028, 84th Cong., 70A Stat. 111), and in order to make certain other changes in such regulations, the regulations are amended as follows:

PARAGRAPH 1. Section 301.6203-1 is amended to read as follows:

§ 301.6203-1 Method of assessment.

The district director shall appoint one or more assessment officers, including assessment officers in a Service Center servicing his district, and the assessment shall be made by an assessment officer signing the summary record of assessment. The summary record, through supporting records, shall provide identification of the taxpayer, the character of the liability assessed, the taxable period, if applicable, and the amount of the assessment. The amount of the assessment shall, in the case of tax shown on a return by the taxpayer, be the amount so shown, and in all other cases the amount of the assessment shall be the amount shown on the supporting list or record. The date of the assessment is the date the summary record is signed by an assessment officer. If the taxpayer requests a copy of the record of assessment, the district director or the director of a Service Center shall furnish the taxpayer a copy of the pertinent parts of the assessment which set forth the name of the taxpayer, the date of assessment, the character of the liability assessed, the taxable period, if applicable, and the amounts assessed.

PAR. 2. Section 301.6207, as amended by Treasury Decision 6292, approved April 15, 1958, is further amended to read as follows:

§ 301.6207 Statutory provisions; cross references.

SEC. 6207. Cross references.

* * * * *

(4) For assessment with respect to taxes required to be paid by chapter 52, see section 5703.

* * * * *

(6) For period of limitation upon assessment, see chapter 66.

(7) For assessment under the provisions of the Tariff Act of 1930 of the taxes imposed by section 4501(b), and subchapters A, B, C, D, and E of chapter 38, see sections 4504 and 4601, respectively.

[Sec. 6206 as renumbered 6207 by sec. 4(b)(1), Act of Apr. 2, 1956 (Pub. Law 466, 84th Cong., 70 Stat. 90), and as amended by sec. 204 (2), (3), Excise Tax Technical Changes Act 1958 (72 Stat. 1428)]

PAR. 3. Section 301.6212 is amended to read as follows:

§ 301.6212 Statutory provisions; notice of deficiency.

SEC. 6212. *Notice of deficiency*—(a) *In general.* If the Secretary or his delegate determines that there is a deficiency in respect of any tax imposed by subtitles A or B, he is authorized to send notice of such deficiency to the taxpayer by certified mail or registered mail.

(b) *Address for notice of deficiency*—(1) *Income and gift taxes.* In the absence of notice to the Secretary or his delegate under section 6903 of the existence of a fiduciary relationship, notice of a deficiency in respect of a tax imposed by subtitle A or chapter 12, if mailed to the taxpayer at his last known address, shall be sufficient for purposes of subtitle A, chapter 12, and this chapter even if such taxpayer is deceased, or is under a legal disability, or, in the case of a corporation, has terminated its existence.

(2) *Joint income tax return.* In the case of a joint income tax return filed by husband and wife, such notice of deficiency may be a single joint notice, except that if the Secretary or his delegate has been notified by either spouse that separate residences have been established, then, in lieu of the single joint notice, a duplicate original of the joint notice shall be sent by certified mail or registered mail to each spouse at his last known address.

* * * * *

[Sec. 6212 as amended by secs. 76, 89(b), Technical Amendments Act 1958 (72 Stat. 1661, 1665)]

PAR. 4. Section 301.6212-1 is amended as follows:

§ 301.6212-1 Notice of deficiency.

(a) *General rule.* If a district director (or an assistant regional commissioner, appellate) determines that there is a deficiency in respect of income, estate, or gift tax imposed by subtitle A or B, he is authorized to notify the taxpayer of the deficiency by registered mail prior to September 3, 1958, and by either registered or certified mail on and after September 3, 1958.

(b) *Address for notice of deficiency.* * * *

(2) *Joint income tax returns.* If a joint income tax return has been filed by husband and wife, the district director (or assistant regional commissioner, appellate) may, unless the district director for the district in which such joint return was filed has been notified by either spouse that a separate residence has been established, send either a joint or separate notice of deficiency to the taxpayers at their last known address. If, however, the proper district director has been so notified, a separate notice of deficiency, that is, a duplicate original of the joint notice, must be sent by registered mail prior to September 3, 1958, and by either registered or certified mail on and after September 3, 1958, to each spouse at his or her last known address. The notice of separate residences should be addressed to the district director for the district in which the joint return was filed.

* * * * *

PAR. 5. Section 301.6213-1 is amended as follows:

§ 301.6213–1 Restrictions applicable to deficiencies; petition to Tax Court.

(a) *Time for filing petition and restrictions on assessment*—(1) *Time for filing petition.* Within 90 days after notice of the deficiency is mailed (or within 150 days after mailing in the case of such notice addressed to a person outside the States of the Union and the District of Columbia), as provided in section 6212, a petition may be filed with the Tax Court of the United States for a redetermination of the deficiency. In determining such 90-day or 150-day period, Saturday, Sunday, or a legal holiday in the District of Columbia is not counted as the 90th or 150th day. In determining the time for filing a petition with the Tax Court in the case of a notice of deficiency mailed to a resident of Alaska prior to 12:01 p.m., e.s.t., January 3, 1959, and in the case of a notice of deficiency mailed to a resident of Hawaii prior to 4:00 p.m., e.d.s.t., August 21, 1959, the term "States of the Union" does not include Alaska or Hawaii, respectively, and the 150-day period applies. In determining the time within which a petition to the Tax Court may be filed in the case of a notice of deficiency mailed to a resident of Alaska after 12:01 p.m., e.s.t., January 3, 1959, and in the case of a notice of deficiency mailed to a resident of Hawaii after 4:00 p.m., e.d.s.t., August 21, 1959, the term "States of the Union" includes Alaska and Hawaii, respectively, and the 90-day period applies.

* * * * *

(c) *Failure to file petition.* If no petition is filed with the Tax Court within the period prescribed in section 6213(a), the district director shall assess the amount determined as the deficiency and of which the taxpayer was notified by registered or certified mail and the taxpayer shall pay the same upon notice and demand therefor. In such case the district director will not be precluded from determining a further deficiency and notifying the taxpayer thereof by registered or certified mail. If a petition is filed with the Tax Court the taxpayer should notify the district director who issued the notice of deficiency that the petition has been filed in order to prevent an assessment of the amount determined to be the deficiency.

* * * * *

PAR. 6. Section 301.6325 is amended to read as follows:

§ 301.6325 Statutory provisions; release of lien or partial discharge of property.

SEC. 6325. *Release of lien or partial discharge of property*—(a) *Release of lien.* * * *

(1) *Liability satisfied or unenforceable.* The Secretary or his delegate finds that the liability for the amount assessed, together with all interest in respect thereof, has been fully satisfied or has become legally unenforceable; or

* * * * *

(c) *Estate or gift tax.* Subject to such rules or regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of discharge of any or all of the property subject to any lien imposed by section 6324 if the Secretary or his delegate finds that the liability secured by such lien has been fully satisfied or provided for.

(d) *Effect of certificate of release or discharge.* A certificate of release or of discharge issued under this section shall be held conclusive that the lien upon the property covered by the certificate is extinguished.

(e) *Cross references.* (1) For single bond complying with the requirements of both subsection (a)(2) and section 6165, see section 7102.

(2) For other provisions relating to bonds, see generally chapter 73.

(3) For provisions relating to suits to enforce lien, see section 7403.

(4) For provisions relating to suits to clear title to realty, see section 7424.

[Sec. 6325 as amended by sec. 77, Technical Amendments Act 1958 (72 Stat. 1662)]

PAR. 7. Section 301.6325–1 is amended to read as follows:

§ 301.6325–1 Release of lien or partial discharge of property.

(a) *Release of lien*—(1) *Liability satisfied or unenforceable.* The district director to whom is charged an assessment in respect of any internal revenue tax shall issue a certificate of release of any lien imposed with respect to such tax, whenever he finds that the liability for the amount assessed (together with all interest in respect thereof) has been satisfied or has become unenforceable as a matter of law (and not merely uncollectible or unenforceable as a matter of fact). Tax liabilities frequently are unenforceable in fact for the time being, due to the temporary nonpossession by the taxpayer of discoverable property or property rights. In all cases the liability for the payment of the tax continues until satisfaction of the tax in full or until the expiration of the statutory period for collection, including such extension of the period for collection as may be agreed upon in writing by the taxpayer and the district director. The form to be used by the district director is Form 669, "Certificate of Release of Federal Tax Lien".

(2) *Bond accepted.* The district director may, in his discretion, issue a certificate of release of any tax lien if he is furnished and accepts a bond that is conditioned upon the payment of the amount assessed (together with all interest in respect thereof), within the time agreed upon in the bond, but not later than 6 months before the expiration of the statutory period for collection, including any period for collection agreed upon in writing by the district director and the taxpayer. For provisions relating to bonds, see sections 7101 and 7102 and the regulations thereunder.

(b) *Discharge of specific property from the lien*—(1) *Property double the amount of the liability.* (i) The district director may, in his discretion, issue a certificate of discharge of any part of the property subject to any tax lien if he determines that the fair market value of that part of the property remaining subject to the lien is at least double the sum of the amount of the unsatisfied liability secured by such lien and of the amount of all other liens upon such property which have priority to such lien. In general, fair market value is that amount which one ready and willing but not compelled to buy would pay to another ready and willing but not compelled to sell the property. The form to be used by the district director is Form 669–A, "Certificate of Discharge of Property from Federal Tax Lien". For information required to be submitted in an application for a certificate of discharge, see subparagraph (4) of this paragraph.

(ii) The following example illustrates a case in which a certificate of discharge may not be given under this subparagraph:

Example. The Federal tax liability secured by a lien is $1,000. The fair market value of all property which after the discharge will continue to be subject to the Federal tax lien is $10,000. There is a prior mortgage on the property of $5,000, including interest, and the property is subject to a prior lien of $100 for real estate taxes. Accordingly, the taxpayer's equity in the property over and above the amount of the mortgage and real estate taxes is $4,900, or nearly five times the amount required to pay the assessed tax on which the Federal tax lien is based. Nevertheless, a discharge under this subparagraph is not permissible. In the illustration, the sum of the amount of the Federal tax liability ($1,000) and of the amount of the prior mortgage and the lien for real estate taxes ($5,000+$100=$5,100) is $6,100. Double this sum is $12,200, but the fair market value of the remaining property is only $10,000. Hence, a discharge of the property is not permissible under this subparagraph, since the Code requires that the fair market value of the remaining property be at least double the sum of two amounts, one amount being the outstanding Federal tax liability and the other amount being all prior liens upon such property. In order that the discharge may be issued, it would be necessary that the remaining property be worth not less than $12,200.

(2) *Part payment.* The district director may, in his discretion, issue a certificate of discharge of any part of the property subject to the lien if there is paid over to him in part satisfaction of the liability secured by the lien an amount determined by him to be not less than the value of the interest of the United States in the property to be so discharged. In determining the amount to be paid, the district director will take into consideration all the facts and circumstances of the case, including the expenses to which the Government has been put in the matter. In no case shall the amount to be paid be less than the value of the interest of the United States in the property with respect to which the certificate of discharge is to be issued, as such value has been determined by the district director in the light of the fair market value of the property and the amount of all liens and encumbrances thereon having priority over the Federal tax lien. The form to be used by the district director is Form 669–B, "Certificate of Discharge of Property from Federal Tax Lien". For information required to be submitted in an application for a certificate of discharge, see subparagraph (4) of this paragraph.

(3) *Interest of the United States valueless.* The district director may, in his discretion, issue a certificate of discharge of any part of the property subject to the lien if he determines that the interest of the United States in the property to be so discharged has no value. The form to be used by the district di-

rector is Form 669–C, "Certificate of Discharge of Property from Federal Tax Lien". For information required to be submitted in an application for a certificate of discharge, see subparagraph (4) of this paragraph.

(4) *Application for certificate of discharge.* Any person desiring a certificate of discharge of property from a Federal tax lien shall submit to the district director to whom the assessment is charged a written application in triplicate, under penalties of perjury, requesting that the certificate be issued. The application shall contain the following information:

(i) A clear description of the property with respect to which the discharge is desired and, where applicable, of the property remaining subject to the lien;

(ii) The reason the discharge is sought;

(iii) A description of the Federal tax lien in respect of which the certificate of discharge is sought, including the amount, nature of the tax, the dates of assessment, and, if applicable, an appropriate reference to the registry and the page and volume of the book in which the notice of Federal tax lien is filed, indexed, or recorded, and the date of the filing of the notice;

(iv) A statement in numbered paragraphs of all facts material to the application, including the amount, character, and dates (both of execution and of record) of all encumbrances of record prior to the Federal lien, with an appropriate reference to the registry and the page and volume of the book in which each such encumbrance is recorded;

(v) The amounts, character, and dates of execution of any unrecorded encumbrances believed to be prior to the Federal tax lien, including information as to how and when such encumbrances arose;

(vi) In support of the application, the applicant must furnish proof sufficient to establish the fair market value of the property with respect to which the discharge is sought, and where applicable, proof sufficient to establish the fair market value of the property which will remain subject to the lien; and

(viii) Any other information which in the opinion of the applicant might have a bearing upon the determination to be made.

Applications submitted under subparagraph (1) or (3) of this paragraph do not require the submission of any sum of money for the discharge of the property from a tax lien. Since the amount to be paid for the issuance, under subparagraph (2) of this paragraph, of a certificate of discharge of property from a Federal tax lien is a matter for the determination of the district director after consideration of the facts and law involved, no sum of money or check should be submitted with the application. The district director shall cause a thorough investigation to be made as to the proof and accuracy of all material statements made in the application. Upon completion of such investigation the district director will make his determination and advise the applicant of the decision reached.

(c) *Estate or gift tax liability fully satisfied or provided for—(1) Certificate of discharge.* If the district director determines that the tax liability for estate or gift tax has been fully satisfied, he may issue a certificate of discharge of any or all property from the lien imposed thereon. If the district director determines that the tax liability for estate or gift tax has been adequately provided for, he may issue a certificate discharging particular items of property from the lien. The issuance of such a certificate is a matter resting within the discretion of the district director, and a certificate will be issued only in case there is actual need therefor. The primary purpose of such discharge is not to evidence payment or satisfaction of the tax, but to permit the transfer of property free from the lien in case it is necessary to clear title. The tax will be considered fully satisfied only when investigation has been completed and payment of the tax, including any deficiency determined, has been made.

(2) *Application for certificate of discharge.* An application for a certificate of discharge of property from the lien for estate or gift tax should be filed with the district director charged with the assessment in respect of the tax. It should be made in writing under penalties of perjury and should explain the circumstances that require the discharge, and should fully describe the particular items for which the discharge is desired. In the case of an estate tax lien, the application should show the applicant's relationship to the estate, such as executor, heir, devisee, legatee, beneficiary, transferee, or purchaser. If the estate or gift tax return has not been filed, a statement under penalties of perjury may be required showing (i) the value of the property to be discharged, (ii) the basis for such valuation, (iii) in the case of the estate tax, the approximate value of the gross estate and the approximate value of the total real property included in the gross estate, (iv) in the case of the gift tax, the total amount of gifts made during the calendar year and the prior calendar years subsequent to the enactment of the Revenue Act of 1932 and the approximate value of all real estate subject to the gift tax lien, and (v) if the property is to be sold or otherwise transferred, the name and address of the purchaser or transferee and the consideration, if any, paid or to be paid by him.

(d) *Effect of certificate of release or discharge of specific property.* A certificate of release of lien or a certificate discharging specific property from the lien issued under section 6325 shall be conclusive that the lien upon the property covered by the certificate is extinguished.

PAR. 8. Section 301.6334, as amended by Treasury Decision 6292, approved April 15, 1958, is further amended to read as follows:

§ 301.6334 Statutory provisions; property exempt from levy.

SEC. 6334. *Property exempt from levy*—(a) *Enumeration.* * * *

(4) *Unemployment benefits.* Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State or Territory, or of the District of Columbia or of the Commonwealth of Puerto Rico.

* * * * *

[Sec. 6334 as amended by sec. 406, Social Security Amendments 1958 (72 Stat. 1047)]

* * * * *

SEC. 562 [Title 38, United States Code]. *Special provisions relating to pension.* * * *

(c) Special pension shall not be subject to any attachment, execution, levy, tax lien, or detention under any process whatever.

[38 U.S.C. 562(c), enacted into positive law by Act of Sept. 2, 1958 (Pub. Law 85–857, 72 Stat. 1105)]

SEC. 1440 [Title 10, United States Code]. *Annuities not subject to legal process.* No annuity payable under this chapter (Chapter 73) is assignable or subject to execution, levy, attachment, garnishment, or other legal process.

[10 U.S.C. 1440, enacted into positive law by Act of Aug. 10, 1956 (Pub. Law 1028, 84th Cong., 70A Stat. 111)]

PAR. 9. Section 301.6334–1, as amended by Treasury Decision 6292, approved April 15, 1958, is further amended as follows:

§ 301.6334–1 Property exempt from levy.

(a) *Enumeration.* * * *

(4) *Unemployment benefits.* Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State or Territory, or of the District of Columbia or of the Commonwealth of Puerto Rico.

* * * * *

(c) *Other property.* Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pensions under 38 U.S.C. 562, and annuities payable under Chapter 73 of Title 10 of the United States Code are exempt from levy. No other property or rights to property are exempt from levy except the property specifically exempted by section 6334(a). No provision of a State law may exempt property or rights to property from levy for the collection of any Federal tax. Thus, property exempt from execution under State personal or homestead exemption laws is, nevertheless, subject to levy by the United States for collection of its taxes.

PAR. 10. Section 301.6338 is amended to read as follows:

§ 301.6338 Statutory provisions; certificate of sale; deed of real property.

SEC. 6338. *Certificate of sale; deed of real property.* * * *

(c) *Real property purchased by United States.* If real property is declared purchased by the United States at a sale pursuant to section 6335, the Secretary or his delegate shall at the proper time execute a deed therefor after its preparation and the endorsement of approval as to its form by the United States attorney for the district in which the property is situated, and the Secretary or his delegate shall, without delay, cause the deed to be duly recorded in the proper registry of deeds.

[Sec. 6338 as amended by sec. 78, Technical Amendments Act 1958 (72 Stat. 1662)]

PAR. 11. Section 301.6338–1 is amended as follows:

§ 301.6338–1 Certificate of sale; deed of real property.

* * * * *

(c) *Deed to real property purchased by the United States.* If real property is declared purchased by the United States at a sale pursuant to section 6335, the district director shall at the proper time execute a deed therefor after its preparation and the endorsement of approval as to the form by the United States attorney for the district in which the property is situated, and the district director shall, without delay, cause the deed to be duly recorded in the proper registry of deeds.

PAR. 12. Section 301.6339 is amended to read as follows:

§ 301.6339 Statutory provisions; legal effect of certificate of sale of personal property and deed of real property.

SEC. 6339. *Legal effect of certificate of sale of personal property and deed of real property.* * * *

(b) *Deed of real property.* * * *

(2) *Deed as conveyance of title.* If the proceedings of the Secretary or his delegate as set forth have been substantially in accordance with the provisions of law, such deed shall be considered and operate as a conveyance of all the right, title, and interest the party delinquent had in and to the real property thus sold at the time the lien of the United States attached thereto.

[Sec. 6339 as amended by sec. 79, Technical Amendments Act 1958 (72 Stat. 1662)]

PAR. 13. Section 301.6343–1 is amended as follows:

§ 301.6343–1 Authority to release levy.

(a) *Authority.* The district director may release the levy upon all or part of the property or rights to property levied upon as provided in paragraphs (b) and (c) of this section. A levy may be released under paragraph (b) of this section only if the delinquent taxpayer complies with such of the conditions thereunder as the district director may require and if the district director determines that such action will facilitate the collection of the liability. A release pursuant to paragraph (c) of this section is considered to facilitate the collection of the liability. The release under this section shall not operate to prevent any subsequent levy.

* * * * *

(c) *Release where value of interest of United States is insufficient to meet expenses of sale.* The district director may release the levy as authorized under paragraph (a) of this section if he determines that the value of the interest of the United States in the seized property, or in the part of the seized property to be released, is insufficient to cover the expenses of the sale of such property.

PAR. 14. Section 301.6402–3, as amended by Treasury Decision 6292, approved April 15, 1958, is further amended as follows:

§ 301.6402–3 Special rules applicable to income tax.

(a) In the case of income tax, claims for refund may not only be made on Form 843 but may also be made on any individual, fiduciary, or corporation income tax return, or on any amended income tax return.

(b) A properly executed individual, fiduciary, or corporation income tax return shall, at the election of the taxpayer, constitute a claim for refund or credit within the meaning of section 6402 and section 6511 for the amount of the overpayment disclosed by such return. For purposes of section 6511, such claim shall be considered as filed on the date on which such return is considered as filed, except that if the requirements of § 301.7502–1, relating to timely mailing treated as timely filing, are met the claim shall be considered to be filed on the date of the postmark stamped on the cover in which the return was mailed. An election to treat the return as a claim for refund or credit shall be evidenced by a statement on the return setting forth the amount determined as an overpayment and advising whether such amount shall be refunded to the taxpayer or shall be applied as a credit against the taxpayer's estimated income tax for the taxable year immediately succeeding the taxable year for which such return is filed. If the taxpayer elects to have all or part of the overpayment shown by his return applied to his estimated income tax for his succeeding taxable year, no interest shall be allowed on such portion of the overpayment credited and such amount shall be applied as a payment on account of the estimated income tax for such year or the installments thereof.

* * * * *

PAR. 15. Section 301.6412, as amended by Treasury Decision 6292, approved April 15, 1958, is further amended to read as follows:

§ 301.6412 Statutory provisions; floor stocks refunds.

SEC. 6412. *Floor stocks refunds*—(a) *In general*—(1) *Passenger automobiles, etc.* Where before July 1, 1960, any article subject to the tax imposed by section 4061(a)(2) has been sold by the manufacturer, producer, or importer and on such date is held by a dealer and has not been used and is intended for sale, there shall be credited or refunded (without interest) to the manufacturer, producer, or importer an amount equal to the difference between the tax paid by such manufacturer, producer, or importer on his sale of the article and the amount of tax made applicable to such article on and after July 1, 1960, if claim for such credit or refund is filed with the Secretary or his delegate on or before November 10, 1960, based upon a request submitted to the manufacturer, producer, or importer before October 1, 1960, by the dealer who held the article in respect of which the credit or refund is claimed, and, on or before November 10, 1960, reimbursement has been made to such dealer by such manufacturer, producer, or importer for the tax reduction on such article or written consent has been obtained from such dealer to allowance of such credit or refund.

* * * * *

(d) *Sugar.* With respect to any sugar or articles composed in chief value of sugar upon which tax imposed under section 4501(b) has been paid and which, on June 30, 1961, are held by the importer and intended for sale or other disposition, there shall be refunded (without interest) to such importer, subject to such regulations as may be prescribed by the Secretary or his delegate, an amount equal to the tax paid with respect to such sugar or articles composed in chief value of sugar, if claim for such refund is filed with the Secretary or his delegate on or before September 30, 1961.

* * * * *

[Sec. 6412 as amended by sec. 3(b)(4), Tax Rate Extension Act 1955 (69 Stat. 15); sec. 3(b)(4), Tax Rate Extension Act 1956 (70 Stat. 67); sec. 19, Act of May 29, 1956 (Pub. Law 545, 84th Cong., 70 Stat. 221); sec. 208(a), Highway Revenue Act 1956 (70 Stat. 392); sec. 3(b)(4), Tax Rate Extension Act 1957 (71 Stat. 10); sec. 3(b)(4), Tax Rate Extension Act 1958 (72 Stat. 260); sec. 162(a), Excise Tax Technical Changes Act 1958 (72 Stat. 1306); sec. 3(b)(3), Tax Rate Extension Act 1959 (73 Stat. 158)]

PAR. 16. Section 301.6413, as amended by Treasury Decision 6292, approved April 15, 1958, is further amended to read as follows:

§ 301.6413 Statutory provisions; special rules applicable to certain employment taxes.

SEC. 6413. *Special rules applicable to certain employment taxes.* * * *

(c) *Special refunds*—(1) *In general.* If by reason of an employee receiving wages from more than one employer during a calendar year after the calendar year 1950 and prior to the calendar year 1955, the wages received by him during such year exceed $3,600, the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 1400 of the Internal Revenue Code of 1939 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first $3,600 of such wages received; or if by reason of an employee receiving wages from more than one employer (A) during any calendar year after the calendar year 1954 and prior to the calendar year 1959, the wages received by him during such year exceeds $4,200, or (B) during any calendar year after the calendar year 1958, the wages received by him during such year exceed $4,800, the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 3101 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first $4,200 of such wages received in such calendar year after 1954 and before 1959, or which exceeds the tax with respect to the first $4,800 of such wages received in such calendar year after 1958.

(2) *Applicability in case of Federal and State employees and employees of certain foreign corporations*—(A) *Federal employees.* In the case of remuneration received from the United States or a wholly-owned instrumentality thereof during any calendar year, each head of a Federal agency or instrumentality who makes a return pursuant to section 3122 and each agent, designated by the head of a Federal agency or instrumentality, who makes a return pursuant to such section shall, for purposes of this subsection, be deemed a separate employer, and the term "wages" includes for purposes of this subsection the amount, not to exceed $3,600 for the calendar year 1951, 1952, 1953, or 1954, $4,200 for the calendar year 1955, 1956, 1957, or 1958, or $4,800 for any calendar year after 1958, determined by each such head or agent as constituting wages paid to an employee.

* * * * *

[Sec. 6413 as amended by sec. 202, Social Security Amendment 1954 (68 Stat. 1089); sec. 402(d), Social Security Amendments 1958 (72 Stat. 1043)]

PAR. 17. Section 301.6415 is amended to read as follows:

§ 301.6415 Statutory provisions; credits or refunds to persons who collected certain taxes.

SEC. 6415. *Credits or refunds to persons who collected certain taxes*—(a) *Allowance of credits or refunds.* Credit or refund of any overpayment of tax imposed by section 4231(1), 4231(2), 4231(3), 4241, 4251, 4261, or 4286 may be allowed to the person who collected the tax and paid it to the Secretary or his delegate if such person establishes, under such regulations as the Secretary or his delegate may prescribe, that he has repaid the amount of such tax to the person from whom he collected it, or obtains the consent of such person to the allowance of such credit or refunds. For purposes of this subsection, in the case of any payment outside the United States in respect of which tax is imposed under paragraph (1), (2), or (3) of section 4231, the person who paid for the admission or for the use of the box or seat shall be considered the person from whom the tax was collected.

(b) *Credit on returns.* Any person entitled to a refund of tax imposed by section 4231(1), 4231(2), 4231(3), 4241, 4251, 4261, or 4286 paid, or collected and paid, to the Secretary or his delegate by him may, instead of filing a claim for refund, take credit therefor against taxes imposed by such section due upon any subsequent return.

(c) *Refund of overcollections.* In case any person required under section 4231(1), 4231(2), 4231(3), 4241, 4251, 4261, or 4286 to collect any tax shall make an overcollection of such tax, such person shall, upon proper application, refund such overcollection to the person entitled thereto.

(d) *Refund of taxable payment.* Any person making a refund of any payment on which tax imposed by section 4231(1), 4231(2), 4231(3), 4241, 4251, 4261, or 4286 has been collected may repay therewith the amount of tax collected on such payment.

[Sec. 6415 as amended by sec. 4(b)(4), Tax Rate Extension Act 1958 (72 Stat. 260); sec. 163(d)(1), Excise Tax Technical Changes Act 1958 (72 Stat. 1311)]

PAR. 18. Section 301.6416, as amended by Treasury Decision 6292, approved April 15, 1958, is further amended to read as follows:

§ 301.6416 Statutory provisions; certain taxes on sales and services.

SEC. 6416. *Certain taxes on sales and services*—(a) *Condition to allowance*—(1) *General rule.* No credit or refund of any overpayment of tax imposed by section 4231 (4), (5), or (6) (cabarets, etc.), chapter 31 (retailers taxes), or chapter 32 (manufacturers taxes) shall be allowed or made unless the person who paid the tax establishes, under regulations prescribed by the Secretary or his delegate, that he—

(A) Has not included the tax in the price of the article, admission, or service with respect to which it was imposed and has not collected the amount of the tax from the person who purchased such article, admission, or service;

(B) Has repaid the amount of the tax—

(i) In the case of any tax imposed by chapter 31 (other than the tax imposed by section 4041(a)(1) or (b)(1)), to the purchaser of the article,

(ii) In the case of any tax imposed by chapter 32 and the tax imposed by section 4041(a)(1) or (b)(1) (diesel and special motor fuels), to the ultimate purchaser of the article, or

(iii) In the case of any tax imposed by section 4231 (4), (5), or (6) (cabarets, etc.) to the person who paid for the admission, refreshment, service, or merchandise;

(C) In the case of an overpayment under subsection (b)(2), (b)(3) (C) or (D), or (b)(4) of this section—

(i) Has repaid or agreed to repay the amount of the tax to the utimate [ultimate] vendor of the article, or

(ii) Has obtained the written consent of such ultimate vendor to the allowance of the credit or the making of the refund; or

(D) Has filed with the Secretary or his delegate the written consent of the person referred to in subparagraph (B) (i), (ii), or (iii), as the case may be, to the allowance of the credit or the making of the refund.

(2) *Exceptions.* This subsection shall not apply to—

(A) The tax imposed by section 4041(a)(2) or (b)(2) (use of diesel and special motor fuels), and

(B) An overpayment of tax under paragraph (1), (3) (A) or (B), or (5) of subsection (b) of this section.

(3) *Special rules.* For purposes of this subsection—

(A) Any tax collected under section 4231(6) from a concessionaire and paid to the Secretary or his delegate shall be treated as paid by the concessionaire;

(B) If tax under chapter 31 was paid by a supplier pursuant to an agreement under section 6011(c), either the person who (without regard to section 6011(c)) was required to return and pay the tax or the supplier may be treated as the person who paid the tax;

(C) In any case in which the Secretary or his delegate determines that an article is not taxable, the term "ultimate purchaser" (when used in paragraph (1)(B)(ii) of this subsection) includes a wholesaler, jobber, distributor, or retailer who, on the 15th day after the date of such determination, holds such article for sale; but only if claim for credit or refund by reason of this subparagraph is filed on or before the day for filing the return with respect to the taxes imposed under chapter 32 for the first period which begins more than 60 days after the date of such determination; and

(D) In applying paragraph (1)(C) to any overpayment under paragraph (2)(F), (3)(C) or (D), or (4) of subsection (b), the term "ultimate vendor" means the ultimate vendor of the other article.

(b) *Special cases in which tax payments considered overpayments.* Under regulations prescribed by the Secretary or his delegate, credit or refund (without interest) shall be allowed or made in respect of the overpayments determined under the following paragraphs:

(1) *Price readjustments.* If the price of any article in respect of which a tax, based on such price, is imposed by chapter 31 or 32, is readjusted by reason of the return or repossession of the article or a covering or container, or by a bona fide discount, rebate, or allowance, the part of the tax proportionate to the part of the price repaid or credited to the purchaser shall be deemed to be an overpayment. The preceding sentence shall not apply in the case of an article in respect of which tax was computed under section 4223(b)(2); but if the price for which such article was sold is readjusted by reason of the return or repossession of the article, the part of the tax proportionate to the part of such price repaid or credited to the purchaser shall be deemed to be an overpayment.

(2) *Specified uses and resales.* The tax paid under chapter 32 (or under section 4041(a)(1) or (b)(1)) in respect of any article shall be deemed to be an overpayment if such article was, by any person—

(A) Exported (except in any case to which subsection (g) applies);

(B) Used or sold for use as supplies for vessels or aircraft;

(C) Sold to a State or local government for the exclusive use of a State or local government;

(D) Sold to a nonprofit educational organization for its exclusive use;

(E) Resold to a manufacturer or producer for use by him as provided in subparagraph (A) or (B) of paragraph (3);

(F) In the case of a tire, inner tube, or receiving set, resold for use as provided in subparagraph (C) or (D) of paragraph (3) and the other article referred to in such subparagraph is by any person exported or sold as provided in such subparagraphs;

(G) In the case of a liquid taxable under section 4041, sold for use as fuel in a diesel-powered highway vehicle or as fuel for the propulsion of a motor vehicle, motorboat, or airplane, if (i) the vendee used such liquid otherwise than as fuel in such a vehicle, motorboat, or airplane or resold such liquid, or (ii) such liquid was (within the meaning of paragraphs (1), (2), and (3) of section 6420(c)) used on a farm for farming purposes;

(H) In the case of a liquid in respect of which tax was paid under section 4041 at the rate of 3 cents a gallon, used during any calendar quarter in vehicles while engaged in furnishing scheduled common carrier public passenger land transportation service along regular routes; except that (i) this subparagraph shall apply only if the 60 percent passenger fare revenue tests set forth in section 6421(b)(2) is met with respect to such quarter, and (ii) the amount of such overpayment for such quarter shall be an amount determined by multiplying 1 cent for each gallon of liquid so used by the percentage which such person's tax-exempt passenger fare revenue (as defined in section 6421(d)(2)) derived from such scheduled service during such quarter was of his total passenger fare revenue (not including the tax imposed by section 4261, relating to the tax on transportation of persons) derived from such scheduled service during such quarter;

(I) In the case of a liquid in respect of which tax was paid under section 4041(a)(1) at the rate of 3 cents a gallon, used or resold for use as a fuel in a diesel-powered highway vehicle (i) which (at the time of such use or resale) is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country, or (ii) which, in the case of a diesel-powered highway vehicle owned by the United States, is not used on the highway; except that the amount of any overpayment by reason of this subparagraph shall not exceed an amount computed at the rate of 1 cent a gallon;

(J) In the case of a liquid in respect of which tax was paid under section 4041(b)(1) at the rate of 3 cents a gallon, used or resold for use otherwise than as a fuel for the propulsion of a highway vehicle (i) which (at the time of such use or resale) is registered, or is required to be registered, for highway use under the laws of any State or foreign country, or (ii) which, in the case of a highway vehicle owned by the United States, is used on the highway; except that the amount of any overpayment by reason of this subparagraph shall not exceed an amount computed at the rate of 1 cent a gallon;

(K) In the case of any article taxable under section 4061(b) (other than spark plugs and storage batteries), used or sold for use as repair or replacement parts or accessories for farm equipment (other than equipment taxable under section 4061(a));

(L) In the case of tread rubber in respect of which tax was paid under section 4071(a)(4), used or sold for use otherwise than in the recapping or retreading of tires of the type used on highway vehicles (as defined in section 4072(c)), unless credit or refund of such tax is allowable under subsection (b)(3);

(M) In the case of gasoline, used or sold for use in production of special motor fuels referred to in section 4041(b);

(N) In the case of lubricating oil, used or sold for nonlubricating purposes;

(O) In the case of lubricating oil in respect of which tax was paid at the rate of 6 cents a gallon, used or sold for use as cutting oils (within the meaning of section 4092(b)); except that the amount of such overpayment shall not exceed an amount computed at the rate of 3 cents a gallon;

(P) In the case of any musical instrument taxable under section 4151, sold to a religious institution for exclusively religious purposes;

(Q) In the case of unexposed motion picture film, used or sold for use in the making of newsreel motion picture film.

(3) *Tax-paid articles used for further manufacture, etc.* If the tax imposed by chapter 32 has been paid with respect to the sale of any article by the manufacturer, producer, or importer thereof to a second manufacturer or producer, such tax shall be deemed to be an overpayment by such second manufacturer or producer if—

(A) In the case of any article other than an article to which subparagraph (B), (C), or (D) applies, such article is used by the second manufacturer or producer as material in the manufacture or production of, or as a component part of, another article taxable under chapter 32, manufactured or produced by him;

(B) In the case of—

(i) A part or accessory taxable under section 4061(b),

(ii) A radio or television component taxable under section 4141, or

(iii) A camera lens taxable under section 4171, such article is used by the second manufacturer or producer as material in the manufacture or production of, or as a component part of, any other article manufactured or produced by him;

(C) In the case of—

(i) A tire or inner tube taxable under section 4071, or

(ii) An automobile radio or television receiving set taxable under section 4141,

such article is sold by the second manufacturer or producer on or in connection with, or with the sale of, any other article manufactured or produced by him and such other article is by any person exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft; or

(D) In the case of a radio receiving set or an automobile radio receiving set—

(i) Such set is used by the second manufacturer or producer as a component part of any other article manufactured or produced by him, and

(ii) Such other article is by any person exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft.

For purposes of subparagraphs (A) and (B), an article shall be treated as having been used as a component part of another article if, had it not been broken or rendered useless in the manufacture or production of such other article, it would have been so used.

(4) *Tires, inner tubes, and automobile radio and television receiving sets.* If—

(A) (i) A tire or inner tube taxable under section 4071, or automobile radio or television receiving set taxable under section 4141, is sold by the manufacturer, producer, or importer thereof on or in connection with, or with the sale of, any other article manufactured or produced by him, or

(ii) A radio receiving set or an automobile radio receiving set is used by the manufacturer thereof as a component part of any other article manufactured or produced by him; and

(B) Such other article is by any person exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft,

any tax imposed by chapter 32 in respect of such tire, inner tube, or receiving set which has been paid by the manufacturer, producer, or importer thereof shall be deemed to be an overpayment by him.

(5) *Return of certain installment accounts.* If—

(A) Tax was paid under section 4053(b)(1) or 4216(e)(1) in respect of any installment account,

(B) Such account is, under the agreement under which the account was sold, returned to the person who sold such account, and

(C) The consideration is readjusted as provided in such agreement,

the part of the tax paid under section 4053(b)(1) or 4216(e)(1) proportionate to the part of the consideration repaid or credited to the purchaser of such account shall be deemed to be an overpayment.

This subsection shall apply in respect of an article only if the exportation or use referred to in the applicable provision of this subsection occurs before any other use, or, in the case of a sale or resale, the use referred to in the applicable provision of this subsection is to occur before any other use.

(c) *Credit for tax paid on tires, inner tubes, or radio or television receiving sets.* If tires, inner tubes, or automobile radio or television receiving sets on which tax has been paid under chapter 32 are sold on or in connection with, or with the sale of, another article taxable under chapter 32, there shall (under regulations prescribed by the Secretary or his delegate) be credited (without interest) against the tax imposed on the sale of such other article, an amount determined by multiplying the applicable percentage rate of tax for such other article by—

(1) The purchase price (less, in the case of tires, the part of such price attributable to the metal rim or rim base) if such tires or inner tubes were taxable under section 4071 (relating to tax on tires and inner tubes) or, in the case of automobile radio or television receiving sets, if such sets were taxable under section 4141; or

(2) If such tires, inner tubes, or automobile radio or television receiving sets were taxable under section 4218 (relating to use by manufacturer, producer, or importer), the price (less, in the case of tires, the part of such price attributable to the metal rim or rim base) at which such or similar tires, inner tubes, or sets are sold, in the ordinary course of trade, by manufacturers, producers, or importers thereof, as determined by the Secretary or his delegate.

The credit provided by this subsection shall be allowable only in respect of the first sale on or in connection with, or with the sale of, another article on the sale of which tax is imposed under chapter 32.

(d) *Mechanical pencils taxable as jewelry.* If any article, on the sale of which tax has been paid under section 4201, is further manufactured or processed resulting in an article taxable under section 4001, the person who sells such article at retail shall, in the computation of the retailers' excise tax due on such sale, be entitled to a credit or refund, without interest, in an amount equal to the tax paid under section 4201.

(e) *Refund to exporter or shipper.* Under regulations prescribed by the Secretary or his delegate the amount of any tax imposed by subchapter E of chapter 31, or chapter 32 erroneously or illegally collected in respect of any article exported to a foreign country or shipped to a possession of the United States may be refunded to the exporter or shipper thereof, if the person who paid such tax waives his claim to such amount.

(f) *Credit on returns.* Any person entitled to a refund of tax imposed by chapter 31 or 32, paid to the Secretary or his delegate may, instead of filing a claim for refund, take credit therefor against taxes imposed by such chapter due on any subsequent return.

(g) *Automobiles, etc.* Under regulations prescribed by the Secretary or his delegate, subsection (b)(2)(A) shall apply, in the case of any article subject to the tax imposed by sections 4061(a), 4111, 4121, and 4141, only if the article with respect to which the tax was paid was sold by the manufacturer, producer, or importer for export after receipt by him of notice of intent to export or to resell for export.

(h) *Accounting procedures for like articles.* Under regulations prescribed by the Secretary or his delegate, if any person uses or resells like articles, then for purposes of this section the manufacturer, producer, or importer of any such article may be identified, and the amount of tax paid under chapter 32 in respect of such article may be determined—

(1) On a first-in-first-out basis,

(2) On a last-in-first-out basis, or

(3) In accordance with any other consistent method approved by the Secretary or his delegate.

(i) *Meaning of terms.* For purposes of this section, any term used in this section has the same meaning as when used in chapter 31, 32, or 33, as the case may be.

[Sec. 6416 as amended by sec. 2, Act of Aug. 11, 1955 (Pub. Law 355, 84th Cong., 69 Stat. 676); secs. 1 (h), (i), 2(b), Act of Aug. 11, 1955 (Pub. Law 367, 84th Cong., 69 Stat. 690); sec. 2(b), Act of Apr. 2, 1956 (Pub. Law 466, 84th Cong., 70 Stat. 90); sec. 208(b), Highway Revenue Act 1956 (70 Stat. 393); sec. 4(b)(5), (6), Tax Rate Extension Act 1958 (72 Stat. 260); sec. 163(a)(c), Excise Tax Technical Changes Act 1958 (72 Stat. 1306)]

PAR. 19. Section 301.6420 is amended to read as follows:

§ 301.6420 Statutory provisions; gasoline used on farms.

SEC. 6420. *Gasoline used on farms.* * * *

(c) *Meaning of terms.* * * *

(3) *Farming purposes.* * * *

(A) By the owner, tenant, or operator of a farm, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife, on a farm of which he is the owner, tenant, or operator; except that if such use is by any person other than the owner, tenant, or operator of such farm, then (i) for purposes of this subparagraph, in applying subsection (a) to this subparagraph, and for purposes of section 6416(b)(2)(G)(ii) (but not for purposes of section 4041), the owner, tenant, or operator of the farm on which gasoline or a liquid taxable under section 4041 is used shall be treated as the user and ultimate purchaser of such gasoline or liquid, and (ii) for purposes of applying section 6416(b)(2)(G)(ii), any tax paid under section 4041 in respect of a liquid used on a farm for farming purposes (within the meaning of this subparagraph) shall be treated as having been paid by the owner, tenant, or operator of the farm on which such liquid is used;

* * * * *

[Sec. 6420 as added by sec. 1, Act of Apr. 2, 1956 (Pub. Law 466, 84th Cong., 70 Stat. 87), and as amended by sec. 163(d)(2), Excise Tax Technical Changes Act 1958 (72 Stat. 1311)]

PAR. 20. Section 301.6421 is amended to read as follows:

§ 301.6421 Statutory provisions, gasoline used for certain nonhighway purposes or by local transit systems.

SEC. 6421. *Gasoline used for certain nonhighway purposes or by local transit systems.* * * *

(c) *Time for filing claims; period covered*—(1) *General rule.* Except as provided in paragraph (2), not more than one claim may be filed under subsection (a), and not more than one claim may be filed under subsection (b), by any person with respect to gasoline used during the one-year period ending on June 30 of any year. No claim shall be allowed under this paragraph with respect to any one-year period unless filed on or before September 30 of the year in which such one-year period ends.

(2) *Exception.* If $1,000 or more is payable under this section to any person with respect to gasoline used during a calendar quarter, a claim may be filed under this section by such person with respect to gasoline used during such quarter. No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first calendar quarter following the calendar quarter for which the claim is filed.

* * * * *

(l) *Cross references.* * * *

(2) For partial refund of tax in case of diesel fuel and special motor fuels used for certain nonhighway purposes, see section 6416 (b)(2) (I) and (J).

(3) For partial refund of tax in case of diesel fuel and special motor fuels used by local transit systems, see sections 6416 (b)(2)(H).

* * * * *

[Sec. 6421 as added by sec. 208(c), Highway Revenue Act of 1956 (70 Stat. 394), and as amended by sec. 2, Act of July 25, 1956 (Pub. Law 796, 84th Cong. (70 Stat. 644); secs. 163(d)(3), 164, Excise Tax Technical Changes Act of 1958 (72 Stat. 1312)]

PAR. 21. Section 301.6422, as amended by Treasury Decision 6292, approved April 15, 1958, is further amended to read as follows:

§ 301.6422 Statutory provisions; cross references.

SEC. 6422. *Cross references.*

* * * * *

(14) For special provisions relating to alcohol and tobacco taxes, see subtitle E.

[Sec. 6420 as renumbered 6422 by sec. 1, Act of Apr. 2, 1956 (Pub. Law 466, 84th Cong. (70 Stat. 87); sec. 208(c), Highway Revenue Act of 1956 (70 Stat. 394); and as amended by sec. 204(4), Excise Tax Technical Changes Act 1958 (72 Stat. 1429)]

PAR. 22. Immediately after § 301.6422 insert the following new sections:

§ 301.6423 Statutory provisions; conditions to allowance in the case of alcohol and tobacco taxes.

SEC. 6423. *Conditions to allowance in the case of alcohol and tobacco taxes*—(a) *Conditions.* No credit or refund shall be allowed or made, in pursuance of a court decision or otherwise, of any amount paid or collected as an alcohol or tobacco tax unless the claimant establishes (under regulations prescribed by the Secretary or his delegate)—

(1) That he bore the utlimate burden of the amount claimed; or

(2) That he has unconditionally repaid the amount claimed to the person who bore the ultimate burden of such amount; or

(3) That (A) the owner of the commodity furnished him the amount claimed for payment of the tax, (B) he has filed with the Secretary or his delegate the written consent of such owner to the allowance to the claimant of the credit or refund, and (C) such owner satisfies the requirements of paragraph (1) or (2).

(b) *Filing of claims.* No credit or refund of any amount to which subsection (a) applies shall be allowed or made unless a claim therefor has been filed by the person who paid the amount claimed, and, except as hereinafter provided in this subsection, unless such claim is filed after April 30, 1958, and within the time prescribed by law, and in accordance with regulations prescribed by the Secretary or his delegate. All evidence relied upon in support of such claims shall be clearly set forth and submitted with the claim. Any claimant who has on or before April 30, 1958, filed a claim for any amount to which subsection (a) applies may, if such claim was not barred from allowance on April 30, 1958, file a superseding claim after April 30, 1958, and on or before April 30, 1959, conforming to the requirements of this section and covering the amount (or any part thereof) claimed in such prior claim. No claim filed before May 1, 1958, for the credit or refund of any amount to which subsection (a) applies shall be held to constitute a claim for refund or credit within the meaning of, or for purposes of, section 7422(a); except that any claimant who instituted a suit before June 15, 1957, for recovery of any amount to which subsection (a) applies shall not be barred by this subsection from the maintenance of such suit as to any amount claimed in such suit on such date if in such suit he establishes the conditions to allowance required under subsection (a) with respect to such amount.

(c) *Period not extended.* Any suit or proceeding, with respect to any amount to which subsection (a) applies, which is barred on April 30, 1958, shall remain barred. No claim for credit or refund of any such amount which is barred from allowance on April 30, 1958, shall be allowed after such date in any amount.

(d) *Application of section.* This section shall apply only if the credit or refund is claimed on the grounds that an amount of alcohol or tobacco tax was assessed or collected erroneously, illegally, without authority, or in any manner wrongfully, or on the grounds that such amount was excessive. This section shall not apply to—

(1) Any claim for drawback,

(2) Any claim made in accordance with any law expressly providing for credit or refund where a commodity is withdrawn from the market, returned to bond, or lost or destroyed, and

(3) Any amount claimed with respect to a commodity which has been lost, where a suit or proceeding was instituted before June 15, 1957.

(e) *Meaning of terms.* For purposes of this section—

(1) *Alcohol or tobacco tax.* The term "alcohol or tobacco tax" means—

(A) Any tax imposed by chapter 51 (other than part II of subchapter A, relating to occupational taxes) or by chapter 52 or by any corresponding provision of prior internal revenue laws, and

(B) In the case of any commodity of a kind subject to a tax described in subparagraph (A), any tax equal to any such tax, any additional tax, or any floor stocks tax.

(2) *Tax.* The term "tax" includes a tax and an exaction denominated a "tax", and any penalty, addition to tax, additional amount, or interest applicable to any such tax.

(3) *Ultimate burden.* The claimant shall be treated as having borne the ultimate burden of an amount of an alcohol or tobacco tax for purposes of subsection (a)(1), and the owner referred to in subsection (a)(3) shall be treated as having borne such burden for purposes of such subsection, only if—

(A) He has not, directly or indirectly, been relieved of such burden or shifted such burden to any other person,

(B) No understanding or agreement exists for any such relief or shifting, and

(C) If he has neither sold nor contracted to sell the commodities involved in such claim, he agrees that there will be no such relief or shifting, and furnishes such bond as the Secretary or his delegate may require to insure faithful compliance with his agreement.

[Sec. 6423 as added by Act of Feb. 11, 1958 (Pub. Law 85-323, 72 Stat. 8)]

§ 301.6423–1 Conditions to allowance in the case of alcohol and tobacco taxes.

For regulations under this section, see the regulations under Part 170 of this chapter, relating to distilled spirits, wine and beer, and the regulations under Part 296 of this chapter, relating to tobacco materials, tobacco products, and cigarette papers and tubes.

PAR. 23. Section 301.6501(a) is amended to read as follows:

§ 301.6501(a) Statutory provisions; limitations on assessment and collection; general rule.

SEC. 6501. *Limitations on assessment and collection*—(a) *General rule.* Except as otherwise provided in this section, the amount of any tax imposed by this title shall be assessed within 3 years after the return was filed (whether or not such return was filed on or after the date prescribed) or, if the tax is payable by stamp, at any time after such tax became due and before the expiration of 3 years after the date on which any part of such tax was paid, and no proceeding in court without assessment for the collection of such tax shall be begun after the expiration of such period.

[Sec. 6501(a) as amended by sec. 165(a), Excise Tax Technical Changes Act 1958 (72 Stat. 1313)]

PAR. 24. Section 301.6501(a)–1 is amended as follows:

§ 301.6501(a)–1 Period of limitations upon assessment and collection.

(a) The amount of any tax imposed by the Internal Revenue Code of 1954 (other than a tax collected by means of stamps) shall be assessed within 3 years after the return was filed. For rules applicable in cases where the return is filed prior to the due date thereof, see section 6501(b). In the case of taxes payable by stamp, assessment shall be made at any time after the tax became due and before the expiration of 3 years after the date on which any part of the tax was paid. For exceptions and additional rules, see subsections (b) to (g) of section 6501, and for cross references to other provisions relating to limitations on assessment and collection, see sections 6501(h) and 6504.

* * * * *

PAR. 25. Section 301.6501 (c) is amended to read as follows:

§ 301.6501(c) Statutory provisions; limitations on assessment and collection; exceptions.

SEC. 6501. *Limitations on assessment and collection.* * * *

(c) *Exceptions.* * * *

(6) *Tax resulting from certain distributions or from termination as life insurance*

company. In the case of any tax imposed under section 802(a)(1) by reason of section 802(b)(3) on account of a termination of the taxpayer as an insurance company or as a life insurance company to which section 815(d)(2)(A) applies, or on account of a distribution by the taxpayer to which section 815(d)(2)(B) applies, such tax may be assessed within 3 years after the return was filed (whether or not such return was filed on or after the date prescribed) for the taxable year for which the taxpayer ceases to be an insurance company, the second taxable year for which the taxpayer is not a life insurance company, or the taxable year in which the distribution is actually made, as the case may be.

[Sec. 6501(c) as amended by sec. 3(g), Life Insurance Company Income Tax Act 1959 (73 Stat. 140)]

PAR. 26. Section 301.6501(d) is amended to read as follows:

§ 301.6501(d) Statutory provisions; limitations on assessment and collection; request for prompt assessment.

SEC. 6501. *Limitations on assessment and collection.* * * *

(d) *Request for prompt assessment.* Except as otherwise provided in subsection (c), (e), or (f), in the case of any tax (other than the tax imposed by chapter 11 of subtitle B, relating to estate taxes) for which return is required in the case of a decedent, or by his estate during the period of administration, or by a corporation, the tax shall be assessed, and any proceeding in court without assessment for the collection of such tax shall be begun, within 18 months after written request therefor (filed after the return is made and filed in such manner and such form as may be prescribed by regulations of the Secretary or his delegate) by the executor, administrator, or other fiduciary representing the estate of such decedent, or by the corporation, but not after the expiration of 3 years after the return was filed. This subsection shall not apply in the case of a corporation unless—

(1)(A) such written request notifies the Secretary or his delegate that the corporation contemplates dissolution at or before the expiration of such 18-month period, (B) the dissolution is in good faith begun before the expiration of such 18-month period, and (C) the dissolution is completed;

(2) (A) such written request notifies the Secretary or his delegate that a dissolution has in good faith been begun, and (B) the dissolution is completed; or

(3) a dissolution has been completed at the time such written request is made.

[Sec. 6501(d) as amended by sec. 80, Technical Amendments Act 1958 (72 Stat. 1662)]

PAR. 27. Section 301.6501(d)–1 is amended as follows:

§ 301.6501(d)–1 Request for prompt assessment.

(a) Except as otherwise provided in section 6501 (c), (e) or (f), any tax for which a return is required and for which:

(1) A decedent or an estate of a decedent may be liable, other than the estate tax imposed by chapter 11, or

(2) A corporation which is contemplating dissolution, is in the process of dissolution, or has been dissolved, may be liable,

shall be assessed, or a proceeding in court without assessment for the collection of such tax shall be begun, within 18 months after the receipt of a written request for prompt assessment thereof.

* * * * *

(c) In the case of a corporation the 18-month period shall not apply unless:

(1) The written request notifies the district director that the corporation contemplates dissolution at or before the expiration of such 18-month period; the dissolution is in good faith begun before the expiration of such 18-month period; and the dissolution so begun is completed either before or after the expiration of such 18-month period; or

(2) The written request notifies the district director that a dissolution has in good faith been begun, and the dissolution is completed either before or after the expiration of such 18-month period; or

(3) A dissolution has been completed at the time the written request is made.

PAR. 28. Section 301.6501(g) is amended to read as follows:

§ 301.6501(g) Statutory provisions; limitations on assessment and collection; certain income tax returns of corporations.

SEC. 6501. *Limitations on assessment and collection.* * * *

(g) *Certain income tax returns of corporations.* * * *

(2) *Exempt organizations.* If a taxpayer determines in good faith that it is an exempt organization and files a return as such under section 6033, and if such taxpayer is thereafter held to be a taxable organization for the taxable year for which the return is filed, such return shall be deemed the return of the organization for purposes of this section.

[Sec. 6501(g) as amended by sec. 81(a), Technical Amendments Act 1958 (72 Stat. 1662)]

PAR. 29. Section 301.6501(h) is redesignated § 301.6501(i) and amended to read as follows:

§ 301.6501(i) Statutory provisions; limitations on assessment and collection; joint income return after separate return.

SEC. 6501. *Limitations on assessment and collection.* * * *

(i) *Joint income return after separate return.* For a period of limitations for assessment and collection in the case of a joint income return filed after separate returns have been filed, see section 6013(b)(3) and (4).

[Sec. 6501(i) as redesignated by sec. 81(b), Technical Amendments Act 1958 (72 Stat. 1663)]

PAR. 30. Immediately after § 301.6501(g)–1 insert the following new sections:

§ 301.6501(h) Statutory provisions; limitations on assessment and collection; net operating loss carrybacks.

SEC. 6501. *Limitations on assessment and collection.* * * *

(h) *Net operating loss carrybacks.* In the case of a deficiency attributable to the application to the taxpayer of a net operating loss carryback (including deficiencies which may be assessed pursuant to the provisions of section 6213(b)(2)), such deficiency may be assessed at any time before the expiration of the period within which a deficiency for the taxable year of the net operating loss which results in such carryback may be assessed.

[Sec. 6501(h) as added by sec. 81(b), Technical Amendments Act 1958 (72 Stat. 1663)]

§ 301.6501(h)–1 Net operating loss carrybacks.

In the case of a deficiency attributable to the application to the taxpayer of a net operating loss carryback (including deficiencies which may be assessed pursuant to the provisions of section 6213(b)(2)), such deficiency may be assessed at any time before the expiration of the period within which a deficiency for the taxable year of the net operating loss which results in such carryback may be assessed.

PAR. 31. Section 301.6503(d) is amended to read as follows:

§ 301.6503(d) Statutory provisions; suspension of running of period of limitation; extensions of time for payment of estate tax.

SEC. 6503. *Suspension of running of period of limitation.* * * *

(d) *Extensions of time for payment of estate tax.* The running of the period of limitations for collection of any tax imposed by chapter 11 shall be suspended for the period of any extension of time for payment granted under the provisions of section 6161 (a)(2) or (b)(2) or under the provisions of section 6166.

[Sec. 6503(d) as amended by sec. 206(d), Small Business Tax Revision Act 1958 (72 Stat. 1685)]

PAR. 32. Section 301.6503(d)–1 is amended to read as follows:

§ 301.6503(d)–1 Suspension of running of period of limitation; extension of time for payment of estate tax.

Where an estate is granted an extension of time as provided in section 6161 (a)(2) or (b)(2), or under the provisions of section 6166, for payment of any estate tax, the running of the period of limitations for collection of such tax is suspended for the period of time for which the extension is granted.

PAR. 33. Section 301.6504, as amended by Treasury Decision 6292, approved April 15, 1958, is further amended to read as follows:

§ 301.6504 Statutory provisions; cross references.

SEC. 6504. *Cross reference.* * * *

(15) Assessment and collection of interest, see section 6601(h).

[Sec. 6504 as amended by sec. 4(d), Act of Apr. 2, 1956 (Pub. Law 466, 84th Cong., 70 Stat. 91); sec. 208(e)(5), Highway Revenue Act 1956 (70 Stat. 397); sec. 84(b), Technical Amendments Act 1958 (72 Stat. 1664)]

PAR. 34. Section 301.6511(a) is amended to read as follows:

§ 301.6511(a) Statutory provisions; limitations on credit or refund; period of limitation on filing claim.

SEC. 6511. *Limitations on credit or refund.*—(a) *Period of limitation on filing claim.* Claim for credit or refund of an overpayment of any tax imposed by this title in respect of which tax the taxpayer is required to file a return shall be filed by the taxpayer within 3 years from the time the return was filed or 2 years from the time the tax was paid, whichever of such periods expires the later, or if no return was filed by the taxpayer, within 2 years from the time the tax was paid. Claim for credit or refund of an overpayment of any tax imposed by this title which is required to be paid by means

of a stamp shall be filed by the taxpayer within 3 years from the time the tax was paid.

[Sec. 6511(a) as amended by sec. 82(a), Technical Amendments Act 1958 (72 Stat. 1663)]

PAR. 35. Section 301.6511(a)–1 is amended as follows:

§ 301.6511(a)–1 Period of limitation on filing claim.

(a) In the case of any tax (other than a tax payable by stamp):

(1) If a return is filed, a claim for credit or refund of an overpayment must be filed by the taxpayer within 3 years from the time the return was filed or within 2 years from the time the tax was paid, whichever of such periods expires the later.

* * * * *

PAR. 36. Section 301.6511(b) is amended to read as follows:

§ 301.6511(b) Statutory provisions; limitations on credit or refund; limitation on allowance of credits and refunds.

SEC. 6511. *Limitations on credit or refund.* * * *

(b) *Limitation on allowance of credits and refunds.* * * *

(2) *Limit on amount of credit or refund*—(A) *Limit where claim filed within 3-year period.* If the claim was filed by the taxpayer during the 3-year period prescribed in subsection (a), the amount of the credit or refund shall not exceed the portion of the tax paid within the period, immediately preceding the filing of the claim, equal to 3 years plus the period of any extension of time for filing the return. If the tax was required to be paid by means of a stamp, the amount of the credit or refund shall not exceed the portion of the tax paid within the 3 years immediately preceding the filing of the claim.

(B) *Limit where claim not filed within 3-year period.* If the claim was not filed within such 3-year period, the amount of the credit or refund shall not exceed the portion of the tax paid during the 2 years immediately preceding the filing of the claim.

* * * * *

[Sec. 6511(b)(2) as amended by sec. 82 (b), (c), Technical Amendments Act 1958 (72 Stat. 1663)]

PAR. 37. Section 301.6511(b)–1 is amended as follows:

§ 301.6511(b)–1 Limitations on allowance of credits and refunds.

* * * * *

(b) *Limit on amount to be credited or refunded.* (1) * * *

(i) If a return was filed, and a claim is filed within 3 years from the time the return was filed, the amount of the credit or refund shall not exceed the portion of the tax paid within the period, immediately preceding the filing of the claim, equal to 3 years plus the period of any extension of time for filing the return.

PAR. 38. Section 301.6511(d) is amended to read as follows:

§ 301.6511(d) Statutory provisions; limitations on credit or refund; special rules applicable to income taxes.

SEC. 6511. *Limitations on credit or refund.* * * *

(d) *Special rules applicable to income taxes.* * * *

(2) *Special period of limitation with respect to net operating loss carrybacks*—(A) *Period of limitation.* If the claim for credit or refund relates to an overpayment attributable to a net operating loss carryback, in lieu of the 3-year period of limitation prescribed in subsection (a), the period shall be that period which ends with the expiration of the 15th day of the 40th month (or 39th month, in the case of a corporation) following the end of the taxable year of the net operating loss which results in such carryback, or the period prescribed in subsection (c) in respect of such taxable year, whichever expires later. In the case of such a claim, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in subsection (b)(2) or (c), whichever is applicable, to the extent of the amount of the overpayment attributable to such carryback.

* * * * *

[Sec. 6511(d) as amended by sec. 82(d), Technical Amendments Act 1958 (72 Stat. 1663)]

PAR. 39. Section 301.6511(d)–1 is amended as follows:

§ 301.6511(d)–1 Overpayment of income tax on account of bad debts, worthless securities, etc.

(a)(1) * * *

(ii) The effect that the deductibility of a debt or loss described in subdivision (i) of this subparagraph has on the application to the taxpayer of a carryover, then in lieu of the 3-year period from the time the return was filed in which claim may be filed or credit or refund allowed, as prescribed in section 6511 (a) or (b), the period shall be 7 years from the date prescribed by law for filing the return (determined without regard to any extension of time for filing such return) for the taxable year for which the claim is made or the credit or refund allowed or made.

* * * * *

PAR. 40. Section 301.6511(d)–2 is amended as follows:

§ 301.6511(d)–2 Overpayment of income tax on account of net operating loss carrybacks.

(a) *Special period of limitation.* (1) If the claim for credit or refund relates to an overpayment of income tax attributable to a net operating loss carryback, provided in section 172(b), then in lieu of the 3-year period from the time the return was filed in which the claim may be filed or credit or refund allowed, as prescribed in section 6511 (a) or (b), the period shall be whichever of the following 2 periods expires later:

(i) The period which ends with the expiration of the fifteenth day of the fortieth month (or thirty-ninth month, in the case of a corporation) following the end of the taxable year of the net operating loss which resulted in the carryback; or

(ii) The period which ends with the expiration of the period prescribed in section 6511(c) within which a claim for credit or refund may be filed with respect to the taxable year of the net operating loss which resulted in the carryback.

* * * * *

PAR. 41. Section 301.6532 is amended to read as follows:

§ 301.6532 Statutory provisions; periods of limitation on suits.

SEC. 6532. *Periods of limitation on suits*—(a) *Suits by taxpayers for refund*—(1) *General rule.* No suit or proceeding under section 7422 (a) for the recovery of any internal revenue tax, penalty, or other sum, shall be begun before the expiration of 6 months from the date of filing the claim required under such section unless the Secretary or his delegate renders a decision thereon within that time, nor after the expiration of 2 years from the date of mailing by certified mail or registered mail by the Secretary or his delegate to the taxpayer of a notice of the disallowance of the part of the claim to which the suit or proceeding relates.

* * * * *

(4) *Reconsideration after mailing of notice.* Any consideration, reconsideration, or action by the Secretary or his delegate with respect to such claim following the mailing of a notice by certified mail or registered mail of disallowance shall not operate to extend the period within which suit may be begun.

* * * * *

[Sec. 6532 as amended by sec. 89(b), Technical Amendments Act 1958 (72 Stat. 1665)]

PAR. 42. Section 301.6532–1 is amended as follows:

§ 301.6532–1 Periods of limitation on suits by taxpayers.

(a) No suit or proceeding under section 7422(a) for the recovery of any internal revenue tax, penalty, or other sum shall be begun until whichever of the following first occurs:

(1) The expiration of 6 months from the date of the filing of the claim for credit or refund, or

(2) A decision is rendered on such claim prior to the expiration of 6 months after the filing thereof.

Except as provided in paragraph (b) of this section, no suit or proceeding for the recovery of any internal revenue tax, penalty, or other sum may be brought after the expiration of 2 years from the date of mailing by registered mail prior to September 3, 1958, or by either registered or certified mail on or after September 3, 1958, by a district director or an assistant regional commissioner to a taxpayer of a notice of disallowance of the part of the claim to which the suit or proceeding relates.

* * * * *

(c) The taxpayer may sign a waiver of the requirement that he be mailed a notice of disallowance. Such waiver is irrevocable and will commence the running of the 2-year period described in paragraph (a) of this section on the date the waiver is filed. The waiver shall set forth:

(1) The type of tax and the taxable period covered by the taxpayer's claim for refund;

(2) The amount of the claim;

(3) The amount of the claim disallowed;

(4) A statement that the taxpayer agrees the filing of the waiver will commence the running of the 2-year period provided for in section 6532(a)(1) as if a notice of disallowance had been sent the taxpayer by either registered or certified mail.

The filing of such a waiver prior to the expiration of 6 months from the date the claim was filed does not permit the filing of a suit for refund prior to the time specified in section 6532(a)(1) and paragraph (a) of this section.

(d) Any consideration, reconsideration, or other action with respect to a claim after the mailing by registered mail prior to September 3, 1958, or by either registered or certified mail on or after September 3, 1958, of a notice of disallowance or after the execution of a waiver referred to in paragraph (c) of this section, shall not extend the period for bringing suit or other proceeding under section 7422(a).

PAR. 43. Section 301.6601 is amended to read as follows:

§ 301.6601 Statutory provisions; interest on underpayment, nonpayment, or extensions of time for payment, of tax.

SEC. 6601. *Interest on underpayment, nonpayment, or extensions of time for payment, of tax.* * * *

(b) *Extensions of time for payment of estate tax.* If the time for payment of an amount of tax imposed by chapter 11 is extended as provided in section 6161(a)(2) or 6166, or if the time for payment of an amount of such tax is postponed or extended as provided by section 6163, interest shall be paid at the rate of 4 percent, in lieu of 6 percent as provided in subsection (a).

* * * * *

(g) *Satisfaction by credits.* If any portion of a tax is satisfied by credit of an overpayment, then no interest shall be imposed under this section on the portion of the tax so satisfied for any period during which, if the credit had not been made, interest would have been allowable with respect to such overpayment.

(h) *Limitation on assessment and collection.* Interest prescribed under this section on any tax may be assessed and collected at any time during the period within which the tax to which such interest relates may be collected.

(i) *Exception as to estimated tax.* This section shall not apply to any failure to pay estimated tax required by section 6153 (or section 59 of the Internal Revenue Code of 1939) or section 6154.

(j) *No interest on certain adjustments.* For provisions prohibiting interest on certain adjustments in tax, see section 6205(a).

[Sec. 6601 as amended by secs. 66(c), 83(a)(1), 84(a), Technical Amendments Act 1958 (72 Stat. 1658, 1663, 1664); sec. 206(e), Small Business Tax Revision Act 1958 (72 Stat. 1685)]

SEC. 83(e) [Technical Amendments Act of 1958]. *Interest attributable to net operating loss carryback for certain taxable years ending in 1954.* If by reason of enactment of section 172(b)(1)(A) of the Internal Revenue Code of 1954—

(1) A deficiency resulted for the first taxable year preceding a taxable year ending after December 31, 1953, and before August 17, 1954, and

(2) An overpayment resulted for the second preceding taxable year,

no interest shall be payable with respect to any portion of such deficiency for any period during which there existed a corresponding amount of such overpayment with respect to which interest is not payable.

[Sec. 83(e), Technical Amendments Act 1958 (72 Stat. 1664)]

PAR. 44. Section 301.6601–1 is amended as follows:

§ 301.6601–1 Interest on underpayments.

* * * * *

(b) *Exceptions to the general rule—(1) Satisfaction by credits made after December 31, 1957.* If any portion of a tax is satisfied by the credit of an overpayment after December 31, 1957, interest shall not be imposed under section 6601 on such portion of the tax for any period during which interest on the overpayment would have been allowable if the overpayment had been refunded. The provisions of this subdivision may be illustrated by the following examples:

Example (1). An examination of A's income tax returns for the calendar years 1955 and 1956 discloses an underpayment of $800 for 1955 and an overpayment of $500 for 1956. Interest under section 6601 (a) ordinarily accrues on the underpayment of $800 from April 15, 1956, to the date of payment. However, the 1956 overpayment of $500 is credited after December 31, 1957, against the underpayment in accordance with the provisions of section 6402 (a) and § 301.6402–1. Under such circumstances interest on the $800 underpayment runs from April 15, 1956, the last date prescribed for payment of the 1955 tax, to April 15, 1957, the date the overpayment of $500 was made. Since interest would have been allowed on the overpayment, if refunded, from April 15, 1957, to a date not more than 30 days prior to the date of the refund check, no interest is imposed after April 15, 1957, on $500, the portion of the underpayment satisfied by credit. Interest continues to run, however, on $300 (the $800 underpayment for 1955 less the $500 overpayment for 1956) to the date of payment.

Example (2). An examination of A's income tax returns for the calendar years 1956 and 1957 discloses an overpayment, occurring on April 15, 1957, of $700 for 1956 and an underpayment of $400 for 1957. After April 15, 1958, the last date prescribed for payment of the 1957 tax, the district director credits $400 of the overpayment against the underpayment. In such a case, interest will accrue upon the overpayment of $700 from April 15, 1957, to April 15, 1958, the due date of the amount against which the credit is taken. Interest will also accrue under section 6611 upon $300 ($700 overpayment less $400 underpayment) from April 15, 1958, to a date not more than 30 days prior to the date of the refund check. Since a refund of the portion of the overpayment credited against the underpayment would have resulted in interest running upon such portion from April 15, 1958, to a date not more than 30 days prior to the date of the refund check, no interest is imposed upon the underpayment.

(2) *Time for payment of estate tax extended or postponed.* In the case of an estate tax—

(i) If an extension of time has been granted, in accordance with section 6161(a)(2) or section 6166, for paying any portion of the tax shown on an estate tax return, or

(ii) If the time for payment of the portion of the tax attributable to a reversionary or remainder interest is extended or postponed in accordance with the provisions of section 6163, such portion shall bear interest at the rate of 4 percent per annum from the expiration of 15 months after the date of the decedent's death to the date of the expiration of the period of the extension or postponement or to the date on which payment is received, whichever is earlier. If any part of such portion is paid before the date of the expiration of the period of the extension or postponement, such part shall bear interest only to the date on which payment is received. If, however, the full amount of the tax to which the extension or postponement applies is not paid on or before the date of the expiration of the period of the extension or postponement, the unpaid amount shall bear interest at the rate of 6 percent per annum from the date of the expiration of the period of the extension or postponement to the date on which payment is received.

* * * * *

PAR. 45. Section 301.6611 is amended to read as follows:

§ 301.6611 Statutory provisions; interest on overpayments.

SEC. 6611. *Interest on overpayments.* * * *

(b) *Period.* Such interest shall be allowed and paid as follows:

(1) *Credits.* In the case of a credit, from the date of the overpayment to the due date of the amount against which the credit is taken.

(2) *Refunds.* In the case of a refund, from the date of the overpayment to a date (to be determined by the Secretary or his delegate) preceding the date of the refund check by not more than 30 days, whether or not such refund check is accepted by the taxpayer after tender of such check to the taxpayer. The acceptance of such check shall be without prejudice to any right of the taxpayer to claim any additional overpayment and interest thereon.

(c) [Repealed.]

* * * * *

(g) *Refund of income tax caused by carryback of foreign taxes.* For purposes of subsection (a), if any overpayment of tax results from a carryback of tax paid or accrued to foreign countries or possessions of the United States, such overpayment shall be deemed not to have been paid or accrued prior to the close of the taxable year under this subtitle in which such taxes were in fact paid or accrued.

(h) *Prohibition of administrative review.* For prohibition of administrative review, see section 6406.

[Sec. 6611 as amended by secs. 42(b), 83(b), (c), Technical Amendments Act 1958 (72 Stat. 1640, 1664)]

PAR. 46. Section 301.6611–1 is amended to read as follows:

§ 301.6611–1 Interest on overpayments.

(a) *General rule.* Except as otherwise provided, interest shall be allowed on any overpayment of any tax at the rate of 6 percent per annum from the date of overpayment of the tax.

(b) *Date of overpayment.* Except as provided in section 6401(a), relating to assessment and collection after the expiration of the applicable period of limitation, there can be no overpayment of tax until the entire tax liability has been satisfied. Therefore, the dates of overpayment of any tax are the date of payment of the first amount which (when added to previous payments) is in excess of the tax liability (including any interest, addition to the tax, or additional amount) and the dates of payment of all amounts subsequently paid with respect

to such tax liability. For rules relating to the determination of the date of payment in the case of an advance payment of tax, a payment of estimated tax, and a credit for income tax withholding, see paragraph (d) of this section.

(c) *Examples.* The application of paragraph (b) may be illustrated by the following examples:

Example (1). Corporation X files an income tax return on March 15, 1955, for the calendar year 1954 disclosing a tax liability of $1,000 and elects to pay the tax in installments. Subsequent to payment of the final installment, the correct tax liability is determined to be $900.

Tax liability

Assessed	$1,000
Correct liability	900
Overassessment	100

Record of payments

March 15, 1955	$500
June 15, 1955	500

Since the correct liability in this case is $900, the payment of $500 made on March 15, 1955, and $400 of the payment made on June 15, 1955, are applied in satisfaction of the tax liability. The balance of the payment made on June 15, 1955 ($100) constitutes the amount of the overpayment, and the date on which such payment was made would be the date of the overpayment from which interest would be computed.

Example (2). Corporation Y files an income tax return for the calendar year 1954 on March 15, 1955, disclosing a tax liability of $50,000, and elects to pay the tax in installments. On October 15, 1956, a deficiency in the amount of $10,000 is assessed and is paid in equal amounts on November 15 and November 26, 1956. On April 15, 1957, it is determined that the correct tax liability of the taxpayer for 1954 is only $35,000.

Tax liability

Original assessment	$50,000
Deficiency assessment	10,000
Total assessed	60,000
Correct liability	35,000
Overassessment	25,000

Record of payments

March 15, 1955	$25,000
June 15, 1955	25,000
November 15, 1956	5,000
November 26, 1956	5,000

Since the correct liability in this case is $35,000, the entire payment of $25,000 made on March 15, 1955, and $10,000 of the payment made on June 15, 1955, are applied in satisfaction of the tax liability. The balance of the payment made on June 15, 1955 ($15,000), plus the amounts paid on November 15 ($5,000), and November 26, 1956 ($5,000), constitute the amount of the overpayment. The dates of the overpayments from which interest would be computed are as follows:

Date	Amount of overpayment
June 15, 1955	$15,000
November 15, 1956	5,000
November 26, 1956	5,000

The amount of any interest paid with respect to the deficiency of $10,000 is also an overpayment.

(d) *Advance payment of tax, payment of estimated tax, and credit for income tax withholding.* In the case of an advance payment of tax, a payment of estimated income tax, or a credit for income tax withholding, the provisions of section 6513 (except the provisions of subsection (c) thereof), applicable in determining the date of payment of tax for purposes of the period of limitations on credit or refund, shall apply in determining the date of overpayment for purposes of computing interest thereon.

(e) *Refund of income tax caused by carryback.* If any overpayment of tax imposed by subtitle A results from a carryback of a net operating loss, such overpayment, for purposes of this section, shall be deemed not to have been made prior to the end of the taxable year in which such loss occurs.

(f) *Refund of income tax caused by carryback of foreign taxes.* For purposes of paragraph (a) of this section, any overpayment of tax resulting from a carryback of tax paid or accrued to foreign countries or possessions of the United States shall be deemed not to have been paid or accrued before the close of the taxable year under subtitle F of the Internal Revenue Code of 1954 in which such taxes were in fact paid or accrued.

(g) *Period for which interest allowable in case of refunds.* If an overpayment of tax is refunded, interest shall be allowed from the date of the overpayment to a date determined by the district director, which shall be not more than 30 days prior to the date of the refund check. The acceptance of a refund check shall not deprive the taxpayer of the right to make a claim for any additional overpayment and interest thereon, provided the claim is made within the applicable period of limitation. However, if a taxpayer does not accept a refund check, no additional interest on the amount of the overpayment included in such check shall be allowed.

(h) *Period for which interest allowable in case of credits*—(1) *General rule.* If an overpayment of tax is credited, interest shall be allowed from the date of overpayment to the due date (as determined under subparagraph (2) of this paragraph) of the amount against which such overpayment is credited.

(2) *Determination of due date*—(i) *In general.* The term "due date", as used in this section, means the last day fixed by law or regulations for the payment of the tax (determined without regard to any extension of time), and not the date on which the district director makes demand for the payment of the tax. Therefore, the due date of a tax (other than an additional assessment subject to the special rule provided by subdivision (iv) of this subparagraph) is the date fixed for the payment of the tax or the several installments thereof.

(ii) *Tax payable in installments*—(a) *In general.* In the case of a credit against a tax, where the taxpayer had properly elected to pay the tax in installments, the due date is the date prescribed for the payment of the installment against which the credit is applied.

(b) *Delinquent installment.* If the taxpayer is delinquent in payment of an installment of tax and the district director has issued a notice and demand for the payment of the delinquent installment and the remaining installments, the due date of each remaining installment shall then be the date of such notice and demand.

(iii) *Tax or installment not yet due.* If a taxpayer agrees to the crediting of an overpayment against tax or an installment of tax and the schedule of allowance is signed prior to the date on which such tax or installment would otherwise become due, then the due date of such tax or installment shall be the date on which such schedule is signed.

(iv) *Additional assessment satisfied by credit before January 1, 1958.* In the case of a credit made before January 1, 1958, against an additional asessment, the due date of the tax satisfied by the credit is the date the additional assessment was made. For purposes of this subdivision, the term "additional assessment" means a further assessment of a tax of the same character previously paid in part, and includes the assessment of a deficiency as defined in section 6211.

(v) *Assessed interest.* In the case of a credit against assessed interest, the due date is the date of the assessment of such interest.

(vi) *Additional amount, addition to the tax, or assessable penalty.* In the case of a credit against an amount assessed as an additional amount, addition to the tax, or assessable penalty, the due date is the date of the assessment.

(vii) *Estimated income tax for succeeding year.* If the taxpayer elects to have all or part of the overpayment shown by his return applied to his estimated tax for his succeeding taxable year, no interest shall be allowed on such portion of the overpayment credited and such amount shall be applied as a payment on account of the estimated tax for such year or the installments thereof.

(i) [Reserved.]

(j) *Refund within 45 days.* If an overpayment of tax imposed by subtitle A is refunded within 45 days after the last date prescribed for filing the return of such tax (determined without regard to any extension of time for filing the return), no interest shall be allowed on such overpayment.

PAR. 47. Section 301.6652 is amended to read as follows:

§ 301.6652 Statutory provisions; failure to file certain information returns.

SEC. 6652. *Failure to file certain information returns*—(a) *Additional amount.* In the case of each failure to file a statement of a payment to another person, required under authority of section 6041 (relating to information at source), section 6042(1) (relating to payments of corporate dividends), section 6044 (relating to patronage dividends), or section 6051(d) (relating to information returns with respect to income tax withheld), on the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid (upon notice and demand by the Secretary or his delegate and in the same manner as tax), by the person failing to so file the statement, $1 for each such statement not so filed, but the total amount imposed on the delinquent person for all such failures during any calendar year shall not exceed $1,000.

* * * * *

[Sec. 6652 as amended by sec. 85, Technical Amendments Act 1958 (72 Stat. 1664)]

PAR. 48. Section 301.6652–1 is amended as follows:

§ 301.6652–1 Failure to file certain information returns.

(a) *Additional amount*—(1) *In general.* In case of each failure to file a statement, with respect to a payment to another person, required under authority of—

(i) Section 6041, relating to information at source,

(ii) Section 6042(1), relating to payments of corporate dividends,

(iii) Section 6044, relating to patronage dividends, or

(iv) Section 6051(d), relating to information returns with respect to income tax withheld or the employee tax under the Federal Insurance Contributions Act,

and the regulations under such sections, within the time prescribed for filing such statement (determined with regard to any extension of time for filing), there shall be paid by the person who failed to filed such statement $1 for each such statement not filed. However, the total amount imposed on the delinquent person for all such failures during any calendar year shall not exceed $1,000. The additional amount imposed for such failures shall be paid in the same manner as tax upon notice and demand by the district director.

* * * * *

PAR. 49. Section 301.6653 is amended to read as follows:

§ 301.6653 Statutory provisions; failure to pay tax.

SEC. 6653. *Failure to pay tax.* * * *

(c) *Definition of underpayment.* * * *

(1) *Income, estate, and gift taxes.* In the case of a tax to which section 6211 (relating to income, estate, and gift taxes) is applicable, a deficiency as defined in that section (except that, for this purpose, the tax shown on a return referred to in section 6211(a)(1)(A) shall be taken into account only if such return was filed on or before the last day prescribed for the filing of such return, determined with regard to any extension of time for such filing), and

* * * * *

[Sec. 6653 as amended by sec. 86, Technical Amendments Act 1958 (72 Stat. 1665)]

PAR. 50. Section 301.6851 is amended to read as follows:

§ 301.6851 Statutory provisions; termination of taxable year.

SEC. 6351. *Termination of taxable year.* * * *

(d) *Departure of alien.* Subject to such exceptions as may, by regulations, be prescribed by the Secretary or his delegate—

(1) No alien shall depart from the United States unless he first procures from the Secretary or his delegate a certificate that he has complied with all the obligations imposed upon him by the income tax laws.

(2) Payment of taxes shall not be enforced by any proceedings under the provisions of this section prior to the expiration of the time otherwise allowed for paying such taxes if, in the case of an alien about to depart from the United States, the Secretary or his delegate determines that the collection of the tax will not be jeopardized by the departure of the alien.

* * * * *

[Sec. 6851 as amended by sec. 87, Technical Amendments Act 1958 (72 Stat. 1665)]

PAR. 51. Section 301.6871(a) is amended to read as follows:

§ 301.6871(a) Statutory provisions; claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.

SEC. 6871. *Claims for income, estate, and gift taxes in bankruptcy and receivership proceedings*—(a) *Immediate assessment.* Upon the adjudication of bankruptcy of any taxpayer in any liquidating proceeding, the filing or (where approval is required by the Bankruptcy Act) the approval of a petition of, or the approval of a petition against, any taxpayer in any other bankruptcy proceeding, or the appointment of a receiver for any taxpayer in any receivership proceeding before any court of the United States or of any State or Territory or of the District of Columbia, any deficiency (together with all interest, additional amounts, or additions to the tax provided by law) determined by the Secretary or his delegate in respect of a tax imposed by subtitle A or B upon such taxpayer shall, despite the restrictions imposed by section 6213(a) upon assessments, be immediately assessed if such deficiency has not theretofore been assessed in accordance with law.

[Sec. 6871(a) as amended by sec. 88(a), Technical Amendments Act 1958 (72 Stat. 1665)]

PAR. 52. Section 301.6871(a)–1 is amended to read as follows:

§ 301.6871(a)–1 Immediate assessment of claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.

(a) Upon (1) the adjudication of bankruptcy of any taxpayer in any liquidating proceeding, (2) the filing with a court of competent jurisdiction or (where approval is required by the Bankruptcy Act) the approval of a petition of, or the approval of a petition against, any taxpayer in any other proceeding under the Bankruptcy Act, or (3) the appointment of any receiver for any taxpayer in a receivership proceeding before any court of the United States or of any State or Territory or of the District of Columbia, the district director shall immediately assess any deficiency of income, estate, or gift tax (together with all interest, additional amounts, or additions to the tax provided by law), determined by him, if such deficiency has not heretofore been assessed in accordance with law. Such assessment shall be made immediately, whether or not a notice of deficiency has been issued, and without regard to the restrictions upon assessments under section 6213.

(b) As used in this section and §§ 301.6871(a)–2 to 301.6873–1, inclusive, the term "proceeding under the Bankruptcy Act" includes a proceeding under chapters I to VII, inclusive, of the Bankruptcy Act (11 U.S.C. cc. I–VII), or under section 75 or 77, or chapters X to XIII, inclusive, of such act, or any other proceeding under the act.

PAR. 53. Section 301.6871(b) is amended to read as follows:

§ 301.6871(b) Statutory provisions; claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.

SEC. 6871. *Claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.* * * *

(b) *Claim filed despite pendency of Tax Court proceedings.* In the case of a tax imposed by subtitle A or B claims for the deficiency and such interest, additional amounts, and additions to the tax may be presented, for adjudication in accordance with law, to the court before which the bankruptcy or receivership proceeding is pending, despite the pendency of proceedings for the redetermination of the deficiency in pursuance of a petition to the Tax Court; but no petition for any such redetermination shall be filed with the Tax Court after the adjudication of bankruptcy, the filing or (where approval is required by the Bankruptcy Act) the approval of a petition of, or the approval of a petition against, any taxpayer in any other bankruptcy proceeding, or the appointment of the receiver.

[Sec. 6871(b) as amended by sec. 88(b), Technical Amendments Act 1958 (72 Stat. 1665)]

PAR. 54. Section 301.6871(b)–1 is amended as follows:

§ 301.6871(b)–1 Claims for income, estate, and gift taxes in proceedings under the Bankruptcy Act and receivership proceedings; claim filed despite pendency of Tax Court proceedings.

(a) If it is determined that a deficiency is due in respect of income, estate, or gift tax and the taxpayer has filed a petition with the Tax Court before (1) the adjudication of bankruptcy in any liquidating proceeding, (2) the filing with a court of competent jurisdiction or (where approval is required by the Bankruptcy Act) the approval of a petition of, or the approval of a petition against, any taxpayer in any other proceeding under the Bankruptcy Act, or (3) the appointment of a receiver, the trustee, receiver, debtor in possession, or other like fiduciary, may, upon his own motion, be made a party to the Tax Court proceeding and thereafter may prosecute the appeal before the Tax Court as to that particular determination. No petition shall be filed with the Tax Court for a redetermination of the deficiency after the adjudication of bankruptcy, the filing or (where approval is required by the Bankruptcy Act) the approval of a petition of, or the approval of a petition against, any taxpayer in any other bankruptcy proceeding, or the appointment of the receiver.

* * * * *

(c) While a district director is required by section 6871(a) and paragraph (a) of § 301.6871(a)–1 to make immediate assessment of any deficiency, such assessment is not made as a jeopardy assessment within the meaning of section 6861, and consequently the provisions of that section do not apply to any assessment made under section 6871. Therefore, the notice of deficiency provided in section 6861(b) will not be mailed. Although such notice will not be issued, a letter will be sent to the taxpayer or to the trustee, receiver, debtor in possession, or other like fiduciary, notifying him in detail how the deficiency was computed, that he may furnish evidence showing wherein the deficiency is incorrect, and that upon request he will be granted a conference by the district director with respect to such deficiency. However, such letter will not

provide for such a conference where a petition was filed with the Tax Court before (1) the adjudication of bankruptcy in a liquidating proceeding, (2) the filing with a court of competent jurisdiction or (where approval is required by the Bankruptcy Act), the approval of a petition of, or the approval of a petition against, any taxpayer in any other proceeding under the Bankruptcy Act, or (3) the appointment of a receiver.

Because this Treasury decision makes only technical and procedural changes, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805, IRC, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: November 5, 1959.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F.R. Doc. 59-9590; Filed, Nov. 10, 1959; 8:52 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

PART 361—BRITISH TOKEN IMPORT PLAN

Revocation

Part 361, British Token Import Plan, is hereby deleted.[1]

(R.S. 161; 5 U.S.C. 22)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F.R. Doc. 59-9594; Filed, Nov. 10, 1959; 8:53 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

Cape Hatteras National Seashore Recreational Area

By notice of proposed rule making published in the FEDERAL REGISTER on September 25, 1959 (24 F.R. 7732), interested persons were invited to submit written comments, suggestions, or objections on the proposed changes, revisions and amendments of § 20.58 of Part 20—Special Regulations concerning Hunting and Speed within Cape Hatteras National Seashore Recreational Area. Such written comments, suggestions, or objections were required to be filed with the Superintendent, Cape Hatteras National Seashore Recreational Area, Manteo, North Carolina, within thirty days from the publication of the notice in the FEDERAL REGISTER.

No comments, suggestions, or objections having been received in response to the said notice, the following regulations, to become effective upon publication in the FEDERAL REGISTER, are adopted:

§ 20.58 Cape Hatteras National Seashore Recreational Area.

(a) *Hunting.* (1) Lands within the Seashore on which hunting is legally permitted are designated as follows:

(i) Ocracoke Island, except Ocracoke Village.

(ii) Hatteras Island, 500 acres, in three disconnected strips 250 feet wide measuring eastward from mean high water mark on Pamlico Sound between villages of Salvo and Avon and Buxton, and between Frisco and Hatteras.

(iii) Bodie Island, 1,500 acres, between high water mark of Roanoke Sound and a line 2,000 feet west of and parallel to U.S. Highway 158, and from the north dike of the Goosewing Club property on the north to the north boundary of the Dare County tract on the south.

(2) Seashore lands on which hunting is not permitted will be posted accordingly.

(3) This hunting plan will be administered and enforced by the National Park Service, through the Service's authorized local representative, the Superintendent of the Seashore, hereinafter referred to as the Superintendent.

(4) The State of North Carolina will assist in the enforcement of applicable State and Federal hunting laws and otherwise in carrying out this plan.

(5) Hunting will be restricted to waterfowl, and more specifically to Canada geese, ducks and coot.

(6) Hunting privileges will be free for all hunters possessing a North Carolina State hunting license and Federal migratory bird hunting stamp.

(7) Permanent blinds will be constructed exclusively by the Seashore and these will be built only on Bodie Island. Setting up and use of temporary or portable blinds by hunters will be permitted on Hatteras and Ocracoke Islands.

(8) Minimum distance between blinds on Seashore land and ponds within the designated hunting areas will be 300 yards unless other conditions, such as natural screening, justify a shorter distance.

(9) Hunting on Ocracoke Island will be permitted and managed in the same manner as Hatteras Island.

(10) "Jump shooting" of waterfowl will be permitted only on Hatteras and Ocracoke Islands and is prohibited within 300 yards of any blind.

(11) Properly licensed and authorized guides may provide hunting guide service within the designated hunting areas in the Seashore. They will not be permitted to solicit business within the boundaries of the Seashore and all arrangements with hunters must be made outside of those boundaries. Guides will be required to possess a North Carolina State guide license and to fulfill all requirements and conditions imposed by that license. Fees charged by guides must be approved in advance by the Superintendent. Each guide must also possess a permit issued by the Superintendent which authorizes him to guide hunters within the Seashore and the amount of the fees which he may charge.

(12) Guides shall have no permanent or seasonal blind rights within the Seashore and no special privileges other than those specified in this section.

(13) At 5:00 a.m. each morning the day of hunting, a drawing for blind assignment will be conducted at the check-out station. Advance reservations for permission to draw will be accepted through the United States mail only. Reservations postmarked prior to 12:01 a.m. of September 25 will not be accepted. The postmark date and hour will establish and govern the priority of drawing. Maximum reservation by any person shall be three (3) consecutive days in any week, Monday through Saturday, and limited to a total of six (6) days during the season. Reservations shall have priority over non-reservations at drawing time. In the event a reservation is to be canceled, the Superintendent shall be informed by the party prior to drawing time for the date or dates of the reservation.

(14) The first departure from a blind by a person terminates his hunting privilege within Bodie Island for that day and the blinds may be reassigned by the Superintendent, Cape Hatteras National Seashore Recreational Area, or his duly authorized representative, for use by others later the same day. Vacating parties must check out through the official check-out station and furnish required information regarding their take.

(15) Hunters and guides shall provide their own decoys and are required to leave the blind which they used in a clean, sanitary and undamaged condition.

(16) All hunters taking banded fowl shall turn in the bands at the check-out station.

(17) Details of this plan, interpretations and further information regarding it will be published in local newspapers and issued in circular form free to all interested persons.

(18) Access to blinds will be by designated foot trails. Vehicles will not be permitted to drive to the blind sites.

(19) Trained dogs will be permitted for retrieving providing they are kept under restraint by the hunter.

(20) Blinds will be limited to two persons without a guide and three including the guide. Only two guns will be permitted in each blind.

(21) All other regulations will be in accordance with the North Carolina State and Federal migratory bird hunting laws.

[1] This action has the effect of revoking the British Token Import Plan regulations under which the Department of Commerce has administered the token import plan arrangement of the British Government with the United States. The British Government has liberalized imports from dollar-area sources and in connection therewith has discontinued the token import plan arrangement.

(b) *Speed.* Speed limits in Cape Hatteras National Seashore Recreational Area, except in emergencies as provided in § 1.42(b) of this chapter, are as follows:

(1) 55 miles per hour:

(i) On the entrance road from U.S. Routes 64 and 264, at Whalebone Junction, south for a distance of 5.5 miles to North Carolina State Highway (unnumbered).

(2) 35 miles per hour:

(i) Bodie Island Lighthouse Road.

(ii) Cape Hatteras Lighthouse Road including Loop Road.

(3) 20 miles per hour:

(i) Coquina Beach Road.

(Sec. 3, 39 Stat. 535, as amended; 16 U.S.C. 3)

Issued this 29th day of October, 1959.

ROBERT F. GIBBS,
Superintendent, Cape Hatteras National Seashore Recreational Area.

[F.R. Doc. 59-9573; Filed, Nov. 10, 1959; 8:50 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 171]

UTE INDIAN TRIBE OF UINTAH AND OURAY RESERVATION, UTAH, AND THE PUEBLOS OF ZIA AND JEMEZ, NEW MEXICO

Administration of Mineral Permits and Leases Covering Minerals

Basis and Purpose. Notice is hereby given that pursuant to authority vested in the Secretary of the Interior by the Act of May 11, 1938 (52 Stat. 347; 25 U.S.C. 396(a-g)), it is proposed to add a new section to 25 CFR, Part 171, as set forth below. The purpose of this addition is to provide regulations for administration by the Commissioner of Indian Affairs of those mineral permits and leases which were issued pursuant to 43 CFR prior to the date the minerals were acquired by the Ute Indian Tribe of the Uintah and Ouray Reservation, Utah, under the Act of July 14, 1956 (70 Stat. 546), and the Pueblos of Zia and Jemez, New Mexico, under the Act of August 2, 1956 (70 Stat. 941).

The proposed addition relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed additions, to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

NOVEMBER 4, 1959.

1. Section 171.1a, a new section, is added to read as follows:

§ 171.1a Existing permits or leases on minerals acquired for the Ute Indian Tribe of the Uintah and Ouray Reservation, Utah, and the Pueblos of Zia and Jemez, New Mexico.

By the Act of July 14, 1956 (70 Stat. 546), title to the minerals underlying certain lands in Utah was vested in the United States in trust for the Ute Indian Tribe of the Uintah and Ouray Reservation and by the Act of August 2, 1956 (70 Stat. 941), title to certain land in New Mexico and the improvements thereon was declared to be in the United States of America in trust for the Pueblos of Zia and Jemez, subject to valid and existing rights. Existing mineral prospecting permits and mining leases on these lands issued pursuant to 43 CFR and all action on the permits and leases shall be administered by the Secretary of the Interior or his authorized representative in accordance with the regulations set forth in Title 43 of the Code of Federal Regulations, except as follows:

(a) Appeals from administrative action shall be made pursuant to applicable regulations set forth in this title.

(b) Payments or reports required by the leases, permits, or regulations in 43 CFR shall be made to the Superintendent having jurisdiction over the land involved instead of the officer of the Bureau of Land Management designated in Title 43 of the Code of Federal Regulations.

[F.R. Doc. 59-9568; Filed, Nov. 10, 1959; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CHILLED ORANGE JUICE [1]

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering an amendment to the United States Standards for Grades of Chilled Orange Juice (24 F.R. 3984) pursuant to the Agricultural Marketing Act of 1946 (Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627). The amendment as hereinafter set forth provides for an adjustment in the soluble orange solids requirements of this product under certain conditions.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., not later than 15 days after publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

In § 52.2770, paragraph (b) (2), delete subdivision (i) in its entirety and substitute the following revised subdivision:

(i) Brix—not less than 11.7 degrees, except that when 75 percent or less of the soluble orange solids present are derived from concentrated orange juice(s): *And provided,* That any such concentrated orange juice(s) is not reconstituted to less than 11.7 degrees Brix, the Brix of the chilled orange juice may be not less than 10.5 degrees.

(Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627)

Dated: November 6, 1959.

S. T. WARRINGTON,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 59-9579; Filed, Nov. 10, 1959; 8:51 a.m.]

Commodity Stabilization Service

[7 CFR Part 813]

[Hearing Clerk Docket No. SH-179]

ALLOTMENT OF 1959 SUGAR QUOTA FOR DOMESTIC BEET SUGAR AREA

Notice of Reopened Hearing

Pursuant to the provisions of the Sugar Act of 1948, as amended (61 Stat. 922, as amended) a notice of hearing was issued (24 F.R. 1661) and a hearing was held to receive evidence regarding the allotment of the 1959 sugar quota for the Domestic Beet Sugar Area. Following the hearing a recommended decision (24 F.R. 3377, 3799) was announced and an order (24 F.R. 5113, 5329) was issued, effective July 22, 1959, establishing allotments based upon data as provided for in the hearing record including estimates for 1958 processings, 1958 marketings, and January 1, 1959 inventories. The order provided that these estimates be used in establishing allotments pending the availability and substitution of final data for such estimates.

Recent information has been received by the Department which indicates that Spreckels Sugar Company will not complete processings of 1958-crop beets until about April 1960. Thus, final data on 1958-crop processing for Spreckels Sugar Company will not be available in 1959 to substitute for estimated processings in the determination of final 1959 allotments. Such processor has submitted a revised estimate of 1958-crop processings totaling 4,175,000 hundredweight which is 75,000 hundredweight, greater than the estimate of 4,100,000

hundredweight used in establishing the allotments now in effect.

In view of the absence of a provision in the order permitting the substitution of revised estimates for previously estimated 1958-crop processings, and to establish final allotments based thereon, it is deemed necessary to reopen the record and hearing in the proceedings pertaining to the allotment of the quota identified as Hearing Clerk Docket No. SH–179, to permit evidence, limited to the purpose hereinafter stated, to be introduced into such record.

The purpose of this hearing is to receive evidence to enable the Secretary to substitute revised estimates of 1958-crop processings and January 1, 1959 effective inventories for previous estimates for any processors for whom final data on 1958-crop processings will not be available in 1959, and to permit the establishment of final allotments of the Domestic Beet Sugar Area quota on the basis of such revised estimates and final data where available. Accordingly, pursuant to section 205 of the Act (61 Stat. 926, as amended) and in accordance with the applicable rules of practice and procedure (7 CFR 1958 Supp. 801.1 et seq.) notice is hereby given that a public hearing will be held in Room 2W, Administration Building, United States Department of Agriculture on November 23, 1959, beginning at 10:00 a.m., e.s.t.

Issued at Washington, D.C., this 6th day of November 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-9580; Filed, Nov. 10, 1959; 8:51 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 694]

[Admin. Order 527]

INDUSTRY COMMITTEE NO. 6

Resignation and Appointment of Chairman

William F. McKenna, Los Angeles, California, has resigned as chairman of Committee No. 6 for the Virgin Islands. Under the authority of the Fair Labor Standards Act of 1938 (52 Stat. 1060) as amended; 29 U.S.C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), I hereby appoint John D. Stewart of Washington, D.C., to serve on said Committee as a public member and chairman.

Signed at Washington, D.C., this 4th day of November 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-9601; Filed, Nov. 10, 1959; 8:53 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 59–KC–11]

CONTROL ZONES

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, as hereinafter set forth.

The Lone Rock, Wis., control zone is presently designated to include the airspace within a 5 mile radius of the airport and within 2 miles on each side of the 024° and 204° radials of the Lone Rock VOR extending from the 5-mile zone to a point 10 miles northeast of the VOR. The Federal Aviation Agency Airport operations records show that there was one instrument approach conducted within the control zone during calendar year 1958. On the basis of these records, it appears that the retention of this control zone is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. If such action is taken, the Lone Rock, Wis., control zone would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Part 601 (14 CFR, 1958 Supp. Part 601) as follows:

Section 601.2110 *Lone Rock, Wis., control zone* is revoked.

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9535; Filed, Nov. 10, 1959; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59–WA–318]

CONTROL ZONES AND CONTROL AREAS

Modification of Control Zone and Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 601.2125 and 601.1244 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the modification of the Terre Haute, Ind., control zone and control area extension. The present Terre Haute control zone is designated to include that airspace within a 5-mile radius of Hulman Field, Terre Haute, with extensions to the north, based on the Terre Haute VOR, and to the northeast based on the Terre Haute radio beacon. The present Terre Haute control area extension is designated to include the airspace within a 15-mile radius of the Terre Haute VOR with an extension to the north based on the VOR. The Terre Haute VOR will be relocated approximately March 31, 1960, to a new site at latitude 39°29'20" N., longitude 87°14'57" W.; the presently prescribed VOR instrument approach procedures at Hulman Field, will then be cancelled and the requirement for the the control zone extension to the north and the control area extension to the north would thereby be eliminated. Accordingly, these extensions to the north would then be revoked. However, in order to provide protection for aircraft conducting VOR instrument approach procedures based on the relocated Terre Haute VOR, it is proposed to modify the Terre Haute control zone by designating an extension to the northeast based on the relocated VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views

or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 601.2125 (24 F.R. 704, 7369) and 601.1244 (14 CFR, 1958 Supp. 601.1244) to read as follows:

§ 601.2125 Terre Haute, Ind., control zone.

Within a 5-mile radius of Hulman Field, Terre Haute, Ind., within 2 miles either side of the 052° radial of the Terre Haute VOR from the 5-mile radius zone to a point 12 miles NE of the VOR, and within 2 miles either side of the 047° bearing from the Terre Haute radio beacon, beginning at the 5-mile radius zone and extending to a point 12 miles NE of the Terre Haute RBN.

§ 601.1244 Control area extension (Terre Haute, Ind.).

Within a 15-mile radius of the Terre Haute, Ind., VOR.

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9531; Filed, Nov. 10, 1959; 8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-LA-4]

RESTRICTED AREAS

Designation of Restricted Area/Military Climb Corridor

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 608 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the designation of a Restricted Area/Military Climb Corridor at Castle AFB, Merced, Calif. The Military Climb Corridor, designated as a Restricted Area, would confine the high-speed, high rate-of-climb Century series air defense aircraft, departing from the airbase on active air defense missions, within a relatively small area. The Restricted Area would provide protection for high speed air defense aircraft and other users of the airspace during the climb phase of the air defense aircraft mission. If such action is taken, a Restricted Area/Military Climb Corridor would be designated at Castle AFB, extending along the Castle AFB ILS localizer northwest course from a point 5 statute miles northwest to a point 32 statute miles northwest of the airbase, 2 statute miles wide at the beginning and 4.6 miles wide at the outer extremity. The lower altitude limits in graduated steps would extend from 2,200 feet MSL to 19,200 feet MSL. The upper altitude limits would extend from 15,200 feet MSL to 27,000 feet MSL. Time of use would be continuous. The controlling agency would be the Castle AFB approach control. The controlling agency would authorize aircraft to operate within the Climb Corridor when not in use by active air defense aircraft.

The Modesto, Calif., VOR is being relocated to Stockton, Calif., and the airways based thereon are being realigned accordingly in a separate airspace action (Airspace Docket No. 59-WA-122). The proposed Castle AFB restricted Area/Military Climb Corridor would be designated after this action is taken and would not conflict with the revised airway structure in the Stockton area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 90007, Airport Station, Los Angeles, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.14 (23 F.R. 8576) as follows:

In § 608.14 *California,* add:

Merced, Calif. (Castle AFB), Restricted Area/Military Climb Corridor (R-586) (San Francisco Chart).

Description. That area centered on the NW course of the castle AFB ILS localizer, beginning 5 statute miles NW of the airbase extending to 32 statute miles NW of the airbase with a width of 2 statute miles at the beginning and 4.6 statute miles at the outer extremity.

Designated altitudes. 2,200 feet MSL to 15,200 feet MSL from 5 statute miles NW of the airbase to 6 statute miles NW of the airbase. 2,200 feet MSL to 24,200 feet MSL from 6 to 7 statute miles NW of the airbase. 2,200 feet MSL to 27,000 feet MSL from 7 to 10 statute miles NW of the airbase. 6,200 feet MSL to 27,000 feet MSL from 10 to 15 statute miles NW of the airbase. 10,200 feet MSL to 27,000 feet MSL from 15 to 20 statute miles NW of the airbase. 15,200 feet MSL to 27,000 feet MSL from 20 to 25 statute miles NW of the airbase. 19,200 feet MSL to 27,000 feet MSL from 25 to 32 statute miles NW of the airbase.

Time of designation. Continuous.

Controlling agency. Castle AFB approach control.

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9530; Filed, Nov. 10, 1959; 8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-LA-13]

RESTRICTED AREAS

Designation of Restricted Area/Military Climb Corridor

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.14 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the designation of a Restricted Area/Military Climb Corridor at Hamilton AFB, San Rafael, Calif. The Military Climb Corridor, designated as Restricted Area, would confine the high-speed, high rate-of-climb Century series air defense aircraft, departing from the airbase on active air defense missions, within a relatively small area. The Restricted Area would provide protection for high speed air defense aircraft and other users of the airspace during the climb phase of the air defense aircraft mission. If such action is taken, a Restricted Area/Military Climb Corridor would be designated at Hamilton AFB, extending along the 325° True radial of the Hamilton AFB, TVOR from a point 7 statute miles northwest to a point 34 statute miles northwest of the airbase, 2 statute miles wide at the beginning and 4.6 miles wide at the outer extremity. The lower altitude limits in graduated steps would extend from 2,000 feet MSL to 19,000 feet MSL. The upper altitude limits would extend from 15,000 feet MSL to 27,000 feet MSL. Time of use would be continuous. The controlling agency would be the Hamilton AFB, Approach Control. The controlling agency would authorize aircraft to operate within the Climb Corridor when not in use by active air defense aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 90007, Airport Station, Los

Angeles 45, California. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.14 (23 F.R. 8576) as follows:

In § 608.14 *California:* add:

San Rafael, Calif. (Hamilton AFB), Restricted Area/Military Climb Corridor (R-590) (Sacramento Chart).

Description. That area centered on the 325° True radial of the Hamilton TVOR extending from 7 statute miles NW of the airbase to 34 statute miles NW of the airbase having a width of 2 statute miles at the beginning and a width of 4.6 statute miles at the outer extremity.

Designated altitudes. 2,000 feet MSL to 15,000 feet MSL from 7 statute miles NW of the airbase to 8 statute miles NW of the airbase. 2,000 feet MSL to 24,000 feet MSL from 8 to 9 statute miles NW of the airbase. 2,000 feet MSL to 27,000 feet MSL from 9 to 12 statute miles NW of the airbase. 6,000 feet MSL to 27,000 feet MSL from 12 to 17 statute miles NW of the airbase. 10,000 feet MSL to 27,000 feet MSL from 17 to 22 statute miles NW of the airbase. 15,000 feet MSL to 27,000 feet MSL from 22 to 27 statute miles NW of the airbase. 19,000 feet MSL to 27,000 feet MSL from 27 to 34 statute miles NW of the airbase.

Time of designation. Continuous.

Controlling agency. Hamilton AFB Approach Control.

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9536; Filed, Nov. 10, 1959; 8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-375]

RESTRICTED AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.19 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appears that the following restricted area does not have sufficient justification to warrant continued designation, and revocation thereof would be in the public interest.

Townsend, Ga., Restricted Area (R-339), controlling agency—United States Air Force, Hunter AFB, Savannah, Ga., is an area of 28 square miles in the southeastern part of Georgia, north of Brunswick. It was designated for bombing for use at altitudes from the surface to 50,000 feet MSL, during the daylight hours each day.

In view of the foregoing, the Federal Aviation Agency is considering the revocation of the restricted area listed above.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue N.W., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.19 (23 F.R. 8580) as follows:

In § 608.19 *Georgia,* the following Restricted Area is revoked:

Townsend, Ga. (R-339) (Jacksonville Chart).

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9537; Filed, Nov. 10, 1959; 8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-382]

RESTRICTED AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.27 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appears that the following restricted area does not have sufficient justification to warrant continued designation, and revocation thereof would be in the public interest.

Presque Isle, Maine, Restricted Area (R-80), controlling agency—Commander, Bangor Air Defense Sector, Topsham Air Force Station, Topsham, Maine, is an area of 3,518 square miles in the northern part of Maine, west of Presque Isle. It was designated for cloud flying and instrument training for use at altitudes up to 45,000 feet MSL, and during all hours each day.

In view of the foregoing, the Federal Aviation Agency is considering the revocation of the restricted area listed above.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.27 (23 F.R. 8581; 24 F.R. 3875) as follows:

In § 608.27 *Maine,* the following Restricted Area is revoked:

Presque Isle, Maine, (R-80) (Aroostook Chart).

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Araffic Management.

[F.R. Doc. 59-9532; Filed, Nov. 10, 1959; 8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-379]

RESTRICTED AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.28 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appears that the following restricted areas do not have sufficient justification to warrant continued designation, and revocation thereof would be in the public interest.

1. Patuxent, Md., Restricted Area (R-39), controlling agency—Naval Air Station, Patuxent River, Md., is an area of 236 square miles in the southern part of Maryland, southeast of Washington, D.C. It was designated for testing and experimental training for use at all altitudes and during all hours each day.

2. Patuxent, Md., Restricted Area (R-43), controlling agency—Naval Air Station, Patuxent River, Md., is an area of 1,790 square miles in the southern part of Maryland, southeast of Washington, D.C. It was designated for testing and experimental training for use at all altitudes above 3,500 feet MSL, and during all hours each day.

3. Patuxent, Md., Restricted Area (R-71), controlling agency—Naval Air Station, Patuxent River, Md., is an area of 210 square miles in the southern part of Maryland, southeast of Washington, D.C. It was designated for testing and experimental training for use at altitudes from the surface to 5,000 feet MSL, and during all hours each day.

In view of the foregoing, the Federal Aviation Agency is considering the revocation of the restricted areas listed above.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.28 (23 F.R. 8581, 8582) as follows:

In § 608.28 *Maryland,* the following Restricted Areas are revoked:

1. Patuxent, Md. (R-39) (Washington Chart).
2. Patuxent, Md. (R-43) (Washington and Norfolk Charts).
3. Patuxent, Md. (R-71) (Washington Chart).

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9543; Filed, Nov. 10, 1959; 8:47 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-NY-17]

RESTRICTED AREAS

Designation of Restricted Area/Military Climb Corridor

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.29 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the designation of a Restricted Area/Military Climb Corridor at Westover AFB, Chicopee Falls, Mass. The Military Climb Corridor, designated as a Restricted Area, would confine the high-speed, high rate-of-climb Century series air defense aircraft, departing from the airbase on active air defense missions, within a relatively small area. The Restricted Area would provide protection for high speed air defense aircraft and other users of the airspace during the climb phase of the air defense aircraft mission. If such action is taken, a Restricted Area/Military Climb Corridor would be designated at Westover AFB, extending along the Westover TVOR 046° True radial from 5 statute miles northeast to 32 statute miles northeast of the airbase, 2 statute miles wide at the beginning and 4.6 statute miles wide at the outer extremity. The lower altitude limits in graduated steps would extend from 2,245 feet MSL to 19,245 feet MSL. The upper altitude limits would extend from 15,245 feet MSL to 27,000 feet MSL. Time of use would be continuous. The controlling agency would be the Westover AFB Approach Control. The controlling agency would authorize aircraft to operate within the Climb Corridor when not in use by active air defense aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.29 (23 F.R. 8582) as follows:

In § 608.29 *Massachusetts,* add:

Chicopee Falls, Mass. (Westover AFB) Restricted Area/Military Climb Corridor (R-585) (Albany Chart).

Description. That area based on the 046° True radial of the Westover AFB TVOR, beginning 5 statute miles NE of the airbase and extending 32 statute miles NE of the airbase having a width of 1 statute mile each side of the 046° True radial at the beginning and a width of 2.3 statute miles each side of the 046° True radial at the outer extremity.

Designated altitudes. 2,245 feet MSL to 15,245 feet MSL from 5 statute miles NE of the airbase to 6 statute miles NE of the airbase. 2,245 feet MSL to 24,245 feet MSL from 6 to 7 statute miles NE of the airbase. 2,245 feet MSL to 27,000 feet MSL from 7 to 10 statute miles NE of the airbase. 6,245 feet MSL to 27,000 feet MSL from 10 to 15 statute miles NE of the airbase. 10,245 feet MSL to 27,000 feet MSL from 15 to 20 statute miles NE of the airbase. 15,245 feet MSL to 27,000 feet MSL from 20 to 25 statute miles NE of the airbase. 19,245 feet MSL to 27,000 feet MSL from 25 to 32 statute miles NE of the airbase.

Time of designation. Continuous.

Controlling agency. Westover AFB, Approach Control.

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9533; Filed, Nov. 10, 1959; 8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-KC-1]

RESTRICTED AREAS

Designation of Restricted Area/Military Climb Corridor

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 608 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the designation of a Restricted Area/Military Climb Corridor at the Selfridge Air Force Base, Mount Clemens, Mich. The Military Climb Corridor, designated as a Restricted Area, would confine the high-speed, high rate-of-climb Century series air defense aircraft, departing from the airbase on active air defense missions, within a relatively small area. The Restricted Area/Military Climb Corridor would provide protection for high speed air defense aircraft and other users of the airspace during the take off phase of the air defense aircraft mission. If such action is taken, a Restricted Area/Military Climb Corridor would be designated at Selfridge AFB, extending along the Selfridge TVOR 336° True radial from 5 miles northwest of the airbase to 32 statute miles northwest, having a width of 1 statute mile west and 3 statute miles east of the 336° True radial 5 statute miles from the airbase, and a width of 2.3 statute miles on each side of the 336° True radial at the outer extremity. The lower limits in graduated steps would extend from 2,600 feet MSL to 19,600 feet MSL. The upper limit would extend from 15,600 feet MSL to 27,000 feet MSL. Selfridge AFB approach control would be the controlling agency; time of use would be continuous. Other aircraft may be authorized by approach control to operate in and through the Climb Corridor at any time other than during the departure of the air defense mission.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Part 608 (23 F.R. 8582) as follows:

In § 608.30 *Michigan*, add:

Mount Clemens, Mich. (Selfridge AFB), Restricted Area/Military Climb Corridor (R-579) (Detroit Chart).

Description. That area based on the 336° True radial of the Selfridge AFB TVOR beginning 5 statute miles NW of the airbase and extending 32 statute miles NW of the airbase, having a width of 1 statute mile W and 3 statute miles E of the 336° True radial at the beginning and a width of 2.3 statute miles on each side of the 336° True radial at the outer extremity.

Designated altitudes. 2,600 feet MSL to 15,600 feet MSL from 5 statute miles NW of the airbase to 6 statute miles NW of the airbase. 2,600 feet MSL to 24,600 feet MSL from 6 to 7 statute miles NW of the airbase. 2,600 feet MSL to 27,000 feet MSL from 7 to 10 statute miles NW of the airbase. 6,600 feet MSL to 27,000 feet MSL from 10 to 15 statute miles NW of the airbase. 10,600 feet MSL to 27,000 feet MSL from 15 to 20 statute miles NW of the airbase. 15,600 feet MSL to 27,000 feet MSL from 20 to 25 statute miles NW of the airbase. 19,600 feet MSL to 27,000 feet MSL from 25 to 32 statute miles NW of the airbase.

Time of Designation. Continuous.

Controlling Agency. Selfridge AFB Approach Control.

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9534; Filed, Nov. 10, 1959; 8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-383]

RESTRICTED AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.32 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appears that the following restricted area does not have sufficient justification to warrant continued designation, and revocation thereof would be in the public interest.

Black Creek, Miss., Restricted Area (R-451), controlling agency—Mississippi Air National Guard, Jackson, Miss., is an area of 101 square miles in the southern part of Mississippi, northwest of Mobile, Ala. It was designated for dive bombing, air-to-ground gunnery, and high altitude artillery firing for use at altitudes from the surface to 13,000 feet MSL, and from 0600 to 2300 each day, January through August annually.

In view of the foregoing, the Federal Aviation Agency is considering the revocation of the restricted area listed above.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.32 (23 F.R. 8583) as follows:

In § 608.32 *Mississippi*, the following Restricted Area is revoked:

Black Creek, Miss. (R-451) (Mobile Chart).

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9549; Filed, Nov. 10, 1959; 8:48 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-384]

RESTRICTED AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.33 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). Ac-

cording to the data available, it appears that the following restricted area does not have sufficient justification to warrant continued designation, and revocation thereof would be in the public interest.

Fort Leonard Wood, Mo., Restricted Area (R–199), controlling agency — Commanding General, Ft. Leonard Wood, Mo., is an area of 95 square miles in the central part of Missouri, southwest of Vichy. It was designated for bombing, rocket firing, and gunnery for use at altitudes from the surface to 50,000 feet MSL and during all hours each day.

In view of the foregoing, the Federal Aviation Agency is considering the revocation of the restricted area listed above.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.33 (23 F.R. 8583) as follows:

In § 608.33 *Missouri*, the following Restricted Area is revoked:

Fort Leonard Wood, Mo. (R–199) (Tulsa Chart).

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–9150; Filed, Nov. 10, 1959; 8:48 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59–WA–233]

RESTRICTED AREAS

Modification of Restricted Area/Military Climb Corridor

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.38 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the modification of the upper altitude limits of Restricted Area/Military Climb Corridor (R–539), associated with the McGuire Air Force Base, Wrightstown, New Jersey. The present climb corridor extends from a point 5 statute miles southwest of the airbase on the 226° True radial of the McGuire TVOR to a point 32 statute miles southwest of the airbase. The lower altitude limits extend in graduated steps from 2,100 feet MSL to 19,000 feet MSL. The upper altitude limits extend from 10,100 feet MSL to 27,000 feet MSL.

The upper altitude limits of the present McGuire AFB Restricted Area/Military Climb Corridor will not contain later models of the Century series aircraft due to the ability of the aircraft to reach high speed and high rate of climb in a short time after takeoff. Accordingly, to provide protection for the air defense Century series aircraft and other aircraft operating in the vicinity of the airbase, it is proposed to designate higher upper altitude limits for the Restricted Area/Military Climb Corridor. If such action is taken, the upper altitude limits of the McGuire AFB Restricted Area/Military Climb Corridor will extend from 15,100 feet MSL to 27,000 feet MSL.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica 30, New York. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.38 (24 F.R. 1832) as follows:

In § 608.38 *New Jersey*, Wrightstown (McGuire AFB), N.J., Restricted Area/Military Climb Corridor (R–539) (Washington Chart) is amended to read as follows:

Description. That area centered on the 226° True radial of the McGuire TVOR extending from 5 statute miles SW of the airbase to 32 statute miles SW of the airbase having a width of 2 statute miles at the beginning and a width of 4.6 statute miles at the outer extremity.

Designated altitudes. 2,100 feet MSL to 15,100 feet MSL from 5 statute miles SW of the airbase to 6 statute miles SW of the airbase. 2,100 feet MSL to 24,100 feet MSL from 6 to 7 statute miles SW of the airbase. 2,100 feet MSL to 27,000 feet MSL from 7 to 10 statute miles SW of the airbase. 6,100 feet MSL to 27,000 feet MSL from 10 to 15 statute miles SW of the airbase. 10,100 feet MSL to 27,000 feet MSL from 15 to 20 statute miles SW of the airbase. 15,100 feet MSL to 27,000 feet MSL from 20 to 25 statute miles SW of the airbase. 19,100 feet MSL to 27,000 feet MSL from 25 to 32 statute miles SW of the airbase.

Time of designation. Continuous.

Controlling agency. McGuire AFB Approach Control.

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–9540; Filed, Nov. 10, 1959; 8:47 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59–WA–391]

RESTRICTED AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.38 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appears that the following restricted area does not have sufficient justification to warrant continued designation, and revocation thereof would be in the public interest.

Fort Dix, N.J., Restricted Area (R–25), controlling agency—Headquarters, 1st Army, Governors Island 4, N.Y., is an area of 47 square miles in the south central part of New Jersey, southwest of Lakehurst. It was designated for aerial gunnery, ground training gunnery, and operation of drone aircraft for use at altitudes from the surface to 26,000 feet MSL, and during all hours each day.

In view of the foregoing, the Federal Aviation Agency is considering the revocation of the restricted area listed above.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communcations received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed

amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.38 (23 F.R. 8584) as follows:

In § 608.38 *New Jersey*, the following Restricted Area is revoked:

Fort Dix, N.J. (R–25) (New York and Washington Charts).

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–9547; Filed, Nov. 10, 1959; 8:48 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59–WA–231]

RESTRICTED AREAS

Modification of Restricted Area/Military Climb Corridor

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.40 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the modification of the upper altitude limits of Restricted Area/Military Climb Corridor (R–544), associated with the Griffiss Air Force Base, Rome, N.Y. The present climb corridor extends from a point 5 statute miles from the airbase on the 138° True and 318° True radials of the Griffiss TVOR, to a point 32 statute miles northwest. The lower altitude limits extend in graduated steps from 2,500 feet MSL to 19,500 feet MSL. The upper altitude limits extend from 10,500 feet MSL to 27,000 feet MSL.

The upper altitude limits of the present Griffiss AFB Restricted Area/Military Climb Corridor will not contain later models of the Century series aircraft due to the ability of the aircraft to reach high speeds and high rate of climb in a short time after take off. Accordingly, to provide protection for the air defense Century series aircraft and other aircraft operating in the vicinity of the airbase, it is proposed to designate higher upper altitude limits of the Restricted Area/Military Climb Corridor. If such action is taken, the upper altitude limits of the Griffiss AFB Restricted Area/Military Climb Corridor will extend from 15,500 feet MSL to 27,000 feet MSL.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica 30, New York. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.40 (23 F.R. 9134) as follows:

In § 608.40 *New York*, Rome, N.Y. (Griffiss AFB), Restricted Area/Military Climb Corridor (R–544) (Albany Chart) is amended to read:

Description. That area centered on the 138° and the 318° True radials of the Griffiss TVOR extending from 5 statute miles NW of the airbase to 32 statute miles NW of the airbase having a width of 2 statute miles at the beginning and 4.6 statute miles at the outer extremity.

Designated altitudes. 2,500 feet MSL to 15,500 feet MSL from 5 statute miles NW of the airbase to 6 statute miles NW of the airbase. 2,500 feet MSL to 24,500 feet MSL from 6 to 7 statute miles NW of the airbase. 2,500 feet MSL to 27,000 feet MSL from 7 to 10 statute miles NW of the airbase. 6,500 feet MSL to 27,000 feet MSL from 10 to 15 statute miles NW of the airbase. 10,500 feet MSL to 27,000 feet MSL from 15 to 20 statute miles NW of the airbase. 15,500 feet MSL to 27,000 feet MSL from 20 to 25 statute miles NW of the airbase. 19,500 feet MSL to 27,000 feet MSL from 25 to 32 statute miles NW of the airbase.

Time of designation. Continuous.

Controlling agency. Griffiss Approach Control.

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–9539; Filed, Nov. 10, 1959; 8:47 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59–WA–390]

RESTRICTED AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.41 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appears that the following restricted area does not have sufficient justification to warrant continued designation, and revocation thereof would be in the public interest.

Currituck Sound, N.C., Restricted Area (R–32), controlling agency—COMNAVAIRLANT, Naval Air Station, Norfolk, Va., is an area of 28 square miles in the northeastern part of North Carolina, northeast of Weeksville. It was designated for dive bombing for use at altitudes from the surface to 20,000 feet MSL, and during daylight hours each day.

In view of the foregoing, the Federal Aviation Agency is considering the revocation of the restricted area listed above.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.41 (23 F.R. 8586) as follows:

In § 608.41 *North Carolina*, the following Restricted Area is revoked:

Currituck Sound, N.C. (R–32) (Norfolk Chart).

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9552; Filed, Nov. 10, 1959; 8:48 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-KC-29]

RESTRICTED AREAS

Designation of Restricted Area/Military Climb Corridor

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.42 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the designation of a Restricted Area/Military Climb Corridor at Minot AFB, Minot, N. Dak. The Military Climb Corridor, designated as a Restricted Area, would confine the high speed, high rate-of-climb Century series air defense aircraft, departing from the airbase on active air defense missions, within a relatively small area. The Restricted Area would provide protection for high speed air defense aircraft and other users of the airspace during the climb phase of the air defense aircraft mission. If such action is taken, a Restricted Area/Military Climb Corridor would be designated at Minot AFB, centered on the 308° True radial of the Minot AFB TACAN from 5 miles northwest to 32 miles northwest of the airbase, 2 miles wide at the beginning and 4.6 miles wide at the outer extremity. The lower limits in graduated steps would extend from 3,650 feet MSL to 20,650 feet MSL. The upper limit would extend from 16,650 feet MSL to 27,000 feet MSL. Time of use would be continuous. The controlling agency would be Minot AFB Approach Control. The controlling agency would authorize aircraft to operate within the Climb Corridor when not in use by active air defense aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.42 (23 F.R. 8586) as follows:

In § 608.42 *North Dakota*, add:

Minot, N. Dak. (Minot AFB), Restricted Area/Military Climb Corridor (R-588) (Minot Chart).

Description. That area centered on the 308° True radial of the Minot AFB TACAN extending from 5 statute miles NW of the airbase to 32 statute miles NW of the airbase having a width of 2 statute miles at the beginning and 4.6 statute miles at the outer extremity.

Designated altitudes. 3,650 feet MSL to 16,650 feet MSL from 5 statute miles NW of the airbase to 6 statute miles NW of the airbase. 3,650 feet MSL to 25,650 feet MSL from 6 to 7 statute miles NW of the airbase. 3,650 feet MSL to 27,000 feet MSL from 7 to 10 statute miles NW of the airbase. 7,650 feet MSL to 27,000 feet MSL from 10 to 15 statute miles NW of the airbase. 11,650 feet MSL to 27,000 feet MSL from 15 to 20 statute miles NW of the airbase. 16,650 feet MSL to 27,000 feet MSL from 20 to 25 statute miles NW of the airbase. 20,650 feet MSL to 27,000 feet MSL from 25 to 32 statute miles NW of the airbase.

Time of designation. Continuous.

Controlling agency. Minot AFB Approach Control.

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9528; Filed, Nov. 10, 1959; 8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-KC-61]

RESTRICTED AREAS

Designation of Restricted Area/Military Climb Corridor

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.42 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the designation of a Restricted Area/Military Climb Corridor at Grand Forks AFB, Grand Forks, N. Dak. The Military Climb Corridor, designated as a Restricted Area, would confine the high speed, high rate of climb Century series air defense aircraft, departing from the airbase on active air defense missions, within a relatively small area. The Restricted Area would provide protection for high speed air defense aircraft and other users of airspace during the climb phase of the air defense aircraft mission. If such action is taken, a Restricted Area/Military Climb Corridor would be designated at Grand Forks AFB centered on the 001° True radial of the Grand Forks AFB TACAN from 5 miles north to 32 miles north of the airbase, two miles wide at the beginning and 4.6 miles wide at the outer extremity. The lower limits, in graduated steps, would extend from 2,900 feet MSL to 19,900 feet MSL. The upper limits would extend from 15,900 feet MSL to 27,000 feet MSL. Time of use would be continuous. The controlling agency would be Grand Forks AFB Approach Control. The controlling agency would authorize aircraft to operate within the Climb Corridor when not in use by active air defense aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.42 (23 F.R. 8586) as follows:

In § 608.42 *North Dakota*, add:

Grand Forks, N. Dak. (Grand Forks AFB), Restricted Area/Military Climb Corridor (R-589) (Minot chart).

Description. That area centered on the 001° True radial of the Grand Forks AFB TACAN, beginning 5 statute miles N of the airbase and extending to 32 statute miles N of the airbase, having a width of 2 statute miles at the beginning and a width of 4.6 statute miles at the outer extremity.

Designated altitudes. 2,900 feet MSL to 15,900 feet MSL from 5 statute miles N of the airbase to 6 statute miles N of the airbase. 2,900 feet MSL to 24,900 feet MSL from 6 to 7 statute miles N of the airbase. 2,900 feet MSL to 27,000 feet MSL from 7 to 10 statute miles N of the airbase. 6,900 feet MSL to 27,000 feet MSL from 10 to 15 statute miles N of the airbase. 10,900 feet MSL to 27,000 feet MSL from 15 to 20 statute miles N of the airbase. 15,900 feet MSL to 27,000 feet MSL

from 20 to 25 statute miles N of the airbase. 19,900 feet MSL to 27,000 feet MSL from 25 to 32 statute miles N of the airbase.

Time of designation. Continuous.

Controlling agency. Grand Forks AFB Approach Control.

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9529; Filed, Nov. 10, 1959; 8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-234]

RESTRICTED AREAS

Modification of Restricted Area/Military Climb Corridor

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.40 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the modification of the upper altitude limits of Restricted Area/Military Climb Corridor (R-545) associated with the Suffolk Air Force Base, Westhampton Beach, New York. The present climb corridor extends from 5 statute miles northeast of the airbase on the 039° True radial of the Suffolk TVOR, to 32 statute miles northeast of the airbase. The lower altitude limits extend in graduated steps from 2,100 feet MSL to 19,100 feet MSL. The upper altitude limits extend from 10,100 feet MSL to 27,000 feet MSL.

The upper altitude limits of the present Suffolk AFB Restricted Area/Military Climb Corridor will not contain later models of the Century series aircraft due to the ability of the aircraft to reach high speeds and high rate of climb in a short time after take off. Accordingly, to provide protection for the air defense Century series aircraft and other aircraft operating in the vicinity of the airbase, it is proposed to designate higher upper altitude limits for the Restricted Area/Military Climb Corridor. If such action is taken, the upper altitude limits of the Suffolk AFB Restricted Area/Military Climb Corridor will extend from 15,100 feet MSL to 27,000 feet MSL.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.40 (23 F.R. 9135) as follows:

In § 608.40 *New York,* Westhampton Beach, N.Y. (Suffolk AFB), Restricted Area/Military Climb Corridor (R-545) (New York Chart) is amended to read:

Description. That area centered on 039° True radial of the Suffolk TVOR extending from 5 statute miles NE of the airbase to 32 statute miles NE of the airbase having a width of 2 statute miles at the beginning and 4.6 statute miles at the outer extremity.

Designated altitudes. 2,100 feet MSL to 15,100 feet MSL from 5 statute miles NE of the airbase to 6 statute miles NE of the airbase. 2,100 feet MSL to 24,100 feet MSL from 6 to 7 statute miles NE of the airbase. 2,100 feet MSL to 27,000 feet MSL from 7 to 10 statute miles NE of the airbase. 6,100 feet MSL to 27,000 feet MSL from 10 to 15 statute miles NE of the airbase. 10,100 feet MSL to 27,000 feet MSL from 15 to 20 statute miles NE of the airbase. 15,100 feet MSL to 27,000 feet MSL from 20 to 25 statute miles NE of the airbase. 19,100 feet MSL to 27,000 feet MSL from 25 to 32 statute miles NE of the airbase.

Time of designation. Continuous.

Controlling agency. Suffolk AFB Approach Control.

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9541; Filed, Nov. 10, 1959; 8:47 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-235]

RESTRICTED AREAS

Modification of Restricted Area/Military Climb Corridor

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.43 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the modification of the upper altitude limits of Restricted Area/Military Climb Corridor (R-541) associated with the Youngstown, Ohio Municipal Airport. The present climb corridor extends along the 142° True radial of the Youngstown TVOR, from 5 statute miles southeast to 32 statute miles southeast of the airport. The lower altitude limits extend in graduated steps from 3,200 feet MSL to 20,200 feet MSL. The upper altitude limits extend from 11,200 feet MSL to 27,000 feet MSL.

The upper altitude limits of the present Youngstown Municipal Airport Restricted Area/Military Climb Corridor will not contain later models of the Century series aircraft due to the ability of the aircraft to reach high speeds and high rate-of-climb in a short time after take off. Accordingly, to provide protection for the air defense Century series aircraft and other aircraft operating in the vicinity of the airport, it is proposed to designate higher upper altitude limits for the Restricted Area/Military Climb Corridor. If such action is taken, the upper altitude limits of the Youngstown Municipal Airport Restricted Area/Military Climb Corridor will extend from 16,200 feet MSL to 27,000 feet MSL.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica 30, New York. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.43 (23 F.R. 9135) as follows:

In § 608.43 *Ohio,* Youngstown, Ohio (Municipal Airport), Restricted Area/Military Climb Corridor (R-541) (Cleveland Chart) is amended to read:

Description. The airspace centered on the 142° True radial of the Youngstown TVOR beginning 5 statute miles SE of the airport and extending to 32 statute miles SE of the airport, having a width of 2 statute miles at the beginning and 4.6 statute miles at the outer extremity.

Designated altitudes. 3,200 feet MSL to 16,200 feet MSL from 5 statute miles SE of the airport to 6 statute miles SE of the air-

port. 3,200 feet MSL to 25,200 feet MSL from 6 to 7 statute miles SE of the airport. 3,200 feet MSL to 27,000 feet MSL from 7 to 10 statute miles SE of the airport. 7,200 feet MSL to 27,000 feet MSL from 10 to 15 statute miles SE of the airport. 11,200 feet MSL to 27,000 feet MSL from 15 to 20 statute miles SE of the airport. 16,200 feet MSL to 27,000 feet MSL from 20 to 25 statute miles SE of the airport. 20,200 feet MSL to 27,000 feet MSL from 25 to 32 statute miles SE of the airport.

Time of designation. Continuous.

Controlling agency. Youngstown Approach Control.

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9542; Filed, Nov. 10, 1959; 8:47 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-386]

RESTRICTED AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.52 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appears that the following restricted area does not have sufficient justification to warrant continued designation, and revocation thereof would be in the public interest.

Wendover (Dugway), Utah, Restricted Area R-273, controlling agency—617th AFB Unit, Dugway Proving Ground, Tooele, Utah, is an area of 635 square miles in the western part of Utah, west of Salt Lake City. It was designated for bombing and guided missiles for use at altitudes from the surface to 40,000 feet MSL, and during all hours each day.

In view of the foregoing, the Federal Aviation Agency is considering the revocation of the restricted area listed above.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.52 (23 F.R. 8588) as follows:

In § 608.52 *Utah,* the following Restricted Area is revoked:

Wendover (Dugway), Utah (R-273) (Salt Lake City Chart).

Issued in Washington, D.C. on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9544; Filed, Nov. 10, 1959; 8:47 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-230]

RESTRICTED AREAS

Modification of Restricted Area/Military Climb Corridor

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.53 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the modification of the upper altitude limits of Restricted Area/Military Climb Corridor (R-540), associated with the Ethan Allen Air Force Base, Burlington, Vt. The present climb corridor extends from a point 5 statute miles from the airbase on the 025° True radial of the Burlington VOR, to a point 32 statute miles northeast of the airbase. The lower altitude limits extend in graduated steps from 2,350 feet MSL to 19,350 feet MSL. The upper altitude limits extend from 10,350 feet MSL to 27,000 feet MSL.

The upper altitude limits of the present Ethan Allen AFB Restricted Area/Military Climb Corridor will not contain later models of the Century series aircraft due to the ability of the aircraft to reach high speeds and high rate of climb in a short time after take off. Accordingly, to provide protection for the air defense Century series aircraft and other aircraft operating in the vicinity of the airbase, it is proposed to raise the upper altitude limits of the Restricted Area/Military Climb Corridor. If such action is taken, the upper altitude limits of the Ethan Allen AFB Restricted Area/Military Climb Corridor will extend from 15,350 feet MSL to 27,000 feet MSL.

Concurrently with the modification of the upper altitude limits of this Restricted Area/Military Climb Corridor, it is proposed to amend the written text of the geographical description to correspond with the written standardized description of other published climb corridors.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.53 (23 F.R. 9135) as follows:

In § 608.53 *Vermont,* Burlington, Vt. (Ethan Allen AFB), Restricted Area/Military Climb Corridor (R-540) (Burlington Chart) is amended to read:

Description. That area centered on the 025° True radial of the Burlington VOR extending from 5 statute miles NE of the airbase to 32 statute miles NE of the airbase having a width of 2 statute miles at the beginning and 4.6 statute miles at the outer extremity.

Designated altitudes. 2,350 feet MSL to 15,350 feet MSL from 5 statute miles NE of the airbase to 6 statute miles NE of the airbase. 2,350 feet MSL to 24,350 feet MSL from 6 statute miles to 7 statute miles NE of the airbase. 2,350 feet MSL to 27,000 feet MSL from 7 to 10 statute miles NE of the airbase. 6,350 feet MSL to 27,000 feet MSL from 10 to 15 statute miles NE of the airbase. 10,350 feet MSL to 27,000 feet MSL from 15 to 20 statute miles NE of the airbase. 15,350 feet MSL to 27,000 feet MSL from 20 to 25 statute miles NE of the airbase. 19,350 feet MSL to 27,000 feet MSL from 25 to 32 statute miles NE of the airbase.

Time of designation. Continuous.

Controlling agency. Burlington Approach Control.

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9538; Filed, Nov. 10, 1959; 8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-387]

RESTRICTED AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.53 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appears that the following restricted area does not have sufficient justification to warrant continued designation, and revocation thereof would be in the public interest.

Underhill, Vt., Restricted Area (R-87), controlling agency—Adjutant General, State of Vermont, Montpelier, Vt., is an area of 14 square miles in the northern part of Vermont, east of Burlington. It was designated for aerial gunnery and bombing for use at altitudes from the surface to 10,000 feet MSL, and during all hours each day.

In view of the foregoing, the Federal Aviation Agency is considering the revocation of the restricted area listed above.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.53 (23 F.R. 8533) as follows:

In § 608.53 *Vermont,* the following Restricted Area is revoked:

Underhill, Vt. (R-87) (Burlington Chart).

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9545; Filed, Nov. 10, 1959; 8:47 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-388]

RESTRICTED AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.54 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appears that the following restricted area does not have sufficient justification to warrant continued designation, and revocation thereof would be in the public interest.

Great Machipongo Inlet, Va., Restricted Area (R-85), controlling agency—Langley AFB, Va., is an area of 59 square miles in the eastern part of Virginia, northeast of Cape Charles. It was designated for air to air gunnery for use at altitudes from the surface to 40,000 feet MSL, and during daylight hours each day.

In view of the foregoing, the Federal Aviation Agency is considering the revocation of the restricted area listed above.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.54 (17 F.R. 3144, 3724; 23 F.R. 6492) as follows:

In § 608.54 *Virginia,* the following Restricted Area is revoked:

Great Machipongo Inlet, Va. (R-85) (Washington Chart).

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9551; Filed, Nov. 10, 1959; 8:48 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-389]

RESTRICTED AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.57 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appears that the following restricted area does not have sufficient justification to warrant continued designation, and revocation thereof would be in the public interest.

Sheyboygan, Wis., Restricted Area (R-83C), controlling agency—Commanding Officer, Fort Sheridan, Ill., is an area of 351 square miles in the eastern part of Wisconsin, north of Milwaukee. It was designated for gunnery, rocketry, antiaircraft artillery firing, bombing and strafing for use at altitudes from the surface to 65,000 feet MSL, and from 0730 to 1700 each day.

In view of the foregoing, the Federal Aviation Agency is considering the revocation of the restricted area listed above.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.57 (23 F.R. 8590; 24 F.R. 2234) as follows:

In § 608.57 *Wisconsin,* the following Restricted Area is revoked.

Sheboygan, Wis. (R-83C) (Milwaukee and Green Bay Charts).

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9546; Filed, Nov. 10, 1959; 8:48 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-380]

RESTRICTED AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.63 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appears that the following restricted areas do not have sufficient justification to warrant continued designation, and revocation thereof would be in the public interest.

1. Salinas, Puerto Rico, Restricted Area (R-371), controlling agency—Commanding General, USAFANT, and MDPR, San Juan, Puerto Rico, is an area of 24 square miles in the south part of Puerto Rico. It was designated for artillery and mortar firing for use at altitudes from the surface to 8,000 feet MSL, and during all hours each day.

2. Punta Figuras, Puerto Rico, Restricted Area (R-409), controlling agency—Commanding General, USAFANT and MDPR, San Juan, Puerto Rico, is an area of 52 square miles in the south part of Puerto Rico. It was designated for antiaircraft artillery firing for use at altitudes from the surface to 30,000 feet MSL, and during daylight hours each day when unlimited visibility prevails.

In view of the foregoing, the Federal Aviation Agency is considering the revocation of the restricted areas listed above.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.63 (23 F.R. 8592; 24 F.R. 3876) as follows:

In § 608.63 *Puerto Rico,* the following Restricted Areas are revoked:

1. Salinas, Puerto Rico (R-371) (WAC 649 Chart).

2. Punta Figuras, Puerto Rico (R-409) (WAC 649 Chart).

Issued in Washington, D.C., on November 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9548; Filed, Nov. 10, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 181, 182]

[Nos. 32155, 32156]

UNIFORM SYSTEM OF ACCOUNTS FOR CERTAIN MOTOR CARRIERS OF PROPERTY AND PASSENGERS

Extension of Time for Filing Comments

NOVEMBER 4, 1959.

Uniform system of accounts for Class I and Class II common and contract motor carriers of property; No. 32155.

Uniform system of accounts for Class I common and contract motor carriers of passengers; No. 32156.

A notice of proposed rule making dated October 6, 1959, in this proceeding, placed on the press table October 14, 1959, and published in the FEDERAL REGISTER October 17, 1959 (24 F.R. 8448), provided that interested persons could on or before November 2, 1959, file written views or suggestions in the matter of modifying the accounting regulations for motor carriers relating to the acquisition of operating rights and properties.

So that the Commission may be more fully advised in this matter, the time for filing views and suggestions is extended to November 23, 1959.

This Notice will be published in the FEDERAL REGISTER.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-9588; Filed, Nov. 10, 1959; 8:52 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3]

STEEL WIRE MESH FROM BELGIUM

Determination of No Sales at Less Than Fair Value

NOVEMBER 4, 1959.

A complaint was received that steel wire mesh imported from Belgium was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that steel wire mesh from Belgium is not being, nor is likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The steel wire mesh from Belgium is in some instances sold in the United States by an importer related to the Belgian manufacturer and in other cases is purchased outright by unrelated importers in arms-length negotiations. The quantity of steel wire mesh sold for home consumption, similar to the steel wire mesh sold to the United States, was adequate to form a basis for a fair value comparison. It was accordingly determined that the proper fair value comparison was between home market price and either purchase price or exporter's sales price, depending upon the circumstances of the various transactions. In arriving at the home market price for the purpose of the fair value comparison, due allowance was made for differences in quantities where applicable, for differences in the cost of manufacture of the similar merchandise sold in the home market, and for other differences in circumstances of sale.

It was found that there had been some sales at less than home market prices during the early part of the period under consideration. The quantities thus sold and the differences in price were deemed to be not more than insignificant. Thereafter, the manufacturers revised their pricing, with the result that there have been no further sales at less than home market price. The evidence available indicates that there is no likelihood

of sales at less than home market prices in the future.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-9591; Filed, Nov. 10, 1959; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 326]

ARIZONA

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

NOVEMBER 3, 1959.

1. Pursuant to authority delegated by BLM Order No. 541 dated April 21, 1954 (19 F.R. 2473), as amended, notice is hereby given that the plat of survey accepted July 17, 1959, of T. 4 S., R. 23 E., G&SRM, Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a.m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 4 S., R. 23 E.,
Sec. 11, Lots 1, 2, S½NE¼, Lots 7, 8, 9, 10, SE¼,
Sec. 12, Lots 3, 4, S½NW¼, S½,
Sec. 13, (all)
Sec. 14, (all)
Sec. 23, N½, SE¼,
Sec. 24, N½, Lots 1, 2, 3, 4.

Within the above described areas are 3,185.71 acres.

2. The above described lands are open to application, location, selection and petition as outlined below. No application for this land will be allowed under the Homestead, Desert Land, Small Tract or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until they have been classified.

3. Available data indicates the land in Township 4 S., R. 23 E., is rough, stony, and partly rolling. The soil is sandy and gravelly clay loam.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on December 9, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 59-9570; Filed, Nov. 10, 1959; 8:50 a.m.]

NEVADA

Notice of Hearing on Proposed Withdrawal of Public Lands

NOVEMBER 2, 1959.

Notice is hereby given that a public hearing will be held at 9:00 a.m., Tuesday, December 8, 1959 in the Council Chamber, City Hall, Fallon, Nevada pertaining to the request by District Public Works Office, Twelfth Navy District for the withdrawal from all forms of appropriation under the public land laws including the mining and mineral leasing laws, of the lands described hereafter for use by the Department of the Navy for a target area and control facilities as set forth in the notice of Proposed Withdrawal and Reservation of Lands, published in the FEDERAL REGISTER on July 2, 1959, Vol. 24, page 5392. The lands are described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

Parcel No. 1

T. 21 N., R. 34 E.,
Sec. 22, NE¼SW¼NE¼.
Parcel No. 1 contains 10 acres.

Parcel No. 2

Beginning at a point on unsurveyed lands from which the standard corner of township 21 N., ranges 34 and 35 bears N. 55°30'17" W., 5065.33 feet;
Thence S. 53°25'44" E., 2½ miles to a point;
Thence S. 36°34'16" W., 3 miles to a point;
Thence N. 53°25'44" W., 2½ miles to a point;
Thence N. 36°34'16" E., 3 miles to the point of beginning.
Parcel No. 2 contains 4,800 acres more or less.

The hearing will be open to attendance of opponents to the withdrawal who may state their views and to proponents of the withdrawal who may explain its purpose, intent, and extent; and to all interested persons who desire to be heard on the subject. Those who desire to be heard in person at the hearing and those who desire to submit written statements should file notice thereof not later than December 1, 1959, with the State Supervisor, Bureau of Land Management, 50 Ryland Street, P.O. Box 1551, Reno, Nevada.

MAX W. BRIDGE,
Acting State Supervisor for Nevada.

[F.R. Doc. 59-9571; Filed, Nov. 10, 1959; 8:50 a.m.]

[Classification No. 615]

CALIFORNIA

Small Tract Classification

OCTOBER 30, 1959.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F.R. 7697), I hereby classify the following described public lands, totaling 160 acres in Kern County, California, as suitable for disposition for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 27 S., R. 40 E.,
Sec. 18, Lots 21 to 28 incl., S½NE¼, NE¼SW¼, N½SE¼,
Containing 237.27 acres, subdivided into 48 tracts, of which 6 are covered by applications from persons entitled to preference under 43 CFR 257.5(a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to applications under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended until it is so provided by an order to be issued by an authorized officer opening the lands to application or bid.

4. All valid applications filed prior to October 30, 1959, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5(a).

ROLLA E. CHANDLER,
Officer-in-Charge, Southern Field Group, Los Angeles, California.

[F.R. Doc. 59-9572; Filed, Nov. 10, 1959; 8:50 a.m.]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 3, 1959.

The Bureau of Sport Fisheries & Wildlife has filed an application, Serial No. W-02621, for the withdrawal of the lands

described below, from all forms of appropriation, including the mining laws but not the mineral leasing laws under authority of Executive Order 10355 of May 26, 1952 (17 FR 4831). The applicant desires the land for a wildlife refuge.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections or suggestions in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, WASHINGTON

T. 34 N., R. 1 W.,
Secs. 28 and 29: Colville Island (unsurveyed).
T. 35 N., R. 1 W.,
Sec. 36: Bird Rocks (unsurveyed).
T. 35 N., R. 2 W.,
Sec. 17: Lot 1, Turn Island;
Sec. 13: Lot 10, Turn Island.
T. 36 N., R. 3 W.,
Sec. 10: Tract B, Jones Island;
Sec. 11: Tract A, Jones Island;
Sec. 14: Tract C, Jones Island.
T. 37 N., R. 3 W.,
Sec. 1: Bare Island (unsurveyed).
T. 34 N., R. 1 E.,
Sec. 8: Lots 1, 2, (Williamson Rocks).

The above areas aggregate approximately 61 acres.

The following-described lands will be subject to primary jurisdiction of the U.S. Coast Guard under Executive Order of July 9, 1875:

WILLAMETTE MERIDIAN, WASHINGTON

T. 36 N., R. 3 W.,
Sec. 10: Tract B;
Sec. 11: Tract A;
Sec. 14: Tract C.

DONALD J. SCHOFIELD,
Acting State Supervisor.

[F.R. Doc. 59-9595; Filed, Nov. 10, 1959; 8:53 a.m.]

Office of the Secretary

[Order 2842]

BUREAU OF MINES

Delegation of Authority With Respect to Grazing Leases

The Director of the Bureau of Mines is authorized to exercise the authority of the Secretary of the Interior to issue and approve grazing leases under the provisions of the Helium Gas Act of September 1, 1937 (50 Stat. 885) as amended (50 Stat. U.S.C. secs. 161 et seq.).

FRED G. AANDAHL,
Acting Secretary of the Interior.

NOVEMBER 5, 1959.

[F.R. Doc. 59-9574; Filed, Nov. 10, 1959; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S-57 (Sub. No. 3)]

STATES MARINE LINES, INC.

Amended Notice of Hearing

The notice published in the FEDERAL REGISTER on October 7, 1959, concerning a public hearing to be held on the section 804 issues of an application filed by States Marine Lines, Inc., under section 601 of the Merchant Marine Act, 1936, as amended, for an operating-differential subsidy agreement, is hereby amended to delete the descriptions of the foreign-flag activities by affiliated or associated companies, and to substitute in lieu thereof the following descriptions. In all other respects the notice of October 7, 1959, remains unchanged.

By Global Bulk Transport Corporation (formerly States Marine Corporation). The ownership and/or operation of the following vessels (tonnages are approximate):

1. Six Norwegian-flag combination ore carriers/tankers of 23,860 to 29,050 deadweight tons. To operate in the services described in (a), (b), and (c) below.

2. Five Liberian-flag ore carriers of 35,000 deadweight tons and two Norwegian-flag ore carriers of 18,700 deadweight tons. To operate in the services described in (b) and (c) below.

3. Three Norwegian-flag ore carriers of 34,970 deadweight tons. To operate in the services described in (b), (c), and (d) below.

4. Two Norwegian-flag ore carriers of 35,400 deadweight tons. To operate in the services described in (b) and (c) below.

5. One Norwegian-flag combination ore carrier/tanker of 31,798 deadweight tons. To operate in the services described in (a), (b) and (c) below.

6. One Norwegian-flag converted Liberty ship of 10,800 deadweight tons. To operate in the service described in (e) below.

7. One Norwegian-flag tanker of 33,310 deadweight tons. To operate in the service described in (a) below.

The trades in which these vessels will operate, as indicated above, are described as follows:

(a) Worldwide trade carrying petroleum and its products in bulk.

(b) Worldwide trade, not in the foreign commerce of the United States, carrying various types of ore in bulk.

(c) From Canada, Liberia, Brazil, Chile, Peru and Venezuela to United States Atlantic and Gulf ports carrying iron ore in bulk, and from Brazil to United States Atlantic and Gulf ports carrying manganese ore in bulk.

(d) From Jamaica, B.W.I., to United States Gulf ports carrying bauxite in bulk.

(e) From Cuba to United States Gulf ports carrying cobalt and nickel slurry in bulk; from United States Gulf ports to Cuba carrying molten sulphur in bulk and liquified petroleum gas in pressurized tanks; and from United States Gulf ports to Moa Bay, Cuba, carrying supplies for the mining and loading installation at Moa Bay.

In addition to the above, Global Bulk Transport Corporation acts as agent in the United States for a fleet of British-flag tramp vessels engaged in worldwide full cargo trading.

By Navegacion del Pacifico (Mexico). The ownership and operation under Mexican flag of a river boat, six lighters, and two tugs, all used to provide lighter service to vessels at Guaymas and La Paz, Mexico.

By Isthmian Lines, Inc. The use, from time to time as port conditions require, of chartered foreign-flag vessels as lighters in the Persian Gulf.

The hearing will be before an Examiner, at a time and place to be announced, and a recommended decision will be issued.

No briefs will be permitted, but any party will be permitted to offer oral argument before the Presiding Officer at the close of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in the proceeding, must file notification thereof with the Secretary, Federal Maritime Board, Washington 25, D.C., in writing in triplicate by the close of business on November 19, 1959.

Dated: November 10, 1959.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-9648; Filed, Nov. 10, 1959; 10:07 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-138]

CURTISS-WRIGHT CORP.

Notice of Issuance of Utilization Facility Export License

Please take notice that no request for a formal hearing having been filed following filing of a notice of proposed action with the Office of the Federal Register, the Atomic Energy Commission has issued License No. XR-33 to Curtiss-Wright Corporation authorizing export of a research reactor to the Thai Atomic Energy Commission for Peace, (Bangkok,) Thailand. The notice of proposed issuance of this license, published in the FEDERAL REGISTER (24 F.R. 6396) on August 8, 1959 described the reactor as a 1000 kilowatt light water moderated nuclear reactor.

Dated at Germantown, Md., this 5th day of November 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-9525; Filed, Nov. 10, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12876, 12877; FCC 59M-1472]

AUDIOCASTING OF TEXAS, INC., AND HORACE K. JACKSON, SR.

Order Continuing Hearing

In re applications of Audiocasting of Texas, Inc., Waco, Texas, Docket No. 12876, File No. BP-11851; Horace K. Jackson, Sr., Gatesville, Texas, Docket No. 12877, File No. BP-12550, for construction permits for new standard broadcast stations.

The Hearing Examiner having before him a Petition for Extension of Time of Hearing filed by Audiocasting of Texas, Inc. on November 3, 1959;

It appearing that November 20, 1959, is a date more convenient for the attendance of out-of-town witnesses; and

It further appearing that the other parties to the proceeding have no objection to a grant of the requested extension of time and have consented to a waiver of the four-day provision of § 1.43 of the Commission's rules;

It is ordered, This 4th day of November 1959, that the above-described petition is granted; and the hearing in the above-captioned proceeding now scheduled for November 5, 1959, is continued to 10:00 a.m. November 20, 1959.

Released: November 5, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9597; Filed, Nov. 10, 1959; 8:53 a.m.]

[Docket No. 13174; FCC 59-1124]

KERN RADIO DISPATCH

Memorandum Opinion and Order

In re application of Thomas R. Poor, d/b as Kern Radio Dispatch, Bakersfield, California, Docket No. 13174, File No. 1596-C2-P-58, Station KMD 993, for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service at Taft, California.

1. The Commission has before it for consideration (1) a motion to correct an Order of the Commission filed August 28, 1959, by Kay Kelso Kidd, d/b as Radio Dispatch Engineering Company; (2) an opposition to the motion filed August 31, 1959, by Thomas R. Poor, d/b as Kern Radio Dispatch; (3) reply and counter-motion to the motion to correct the Order filed August 31, 1959, by Chief, Common Carrier Bureau; and (4) a reply filed September 3, 1959, by Kay Kelso Kidd, d/b as Radio Dispatch Engineering Company.

2. The application of Thomas R. Poor, d/b as Kern Radio Dispatch Engineering Company, Bakersfield, California (applicant), for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service at Taft, California, was designated for hearing on several issues by Commission Order released August 24, 1959 (FCC 59-873), following the protest of Kay Kelso Kidd, d/b as Radio Dispatch Engineering Company, Bakersfield, California (protestant), to the Commission's action in granting the application without hearing. The burden of proof under the designated issues was placed on the applicant except for Issues 2 and 3 under which the burden was placed on protestant. Protestant now seeks to have the designation order corrected insofar as it places the burden of proof on protestant with respect to Issues 2 and 3.[1]

3. In support of its motion to correct the order, protestant maintains that section 309(c) of the Act requires that the burden of proof under Issues 2 and 3 be placed on the applicant rather than on the protestant since these issues correspond to issues (b) and (c) suggested in the protest and have been "adopted"[2] by the Commission in its order designating the application for hearing. The protestant also contends that the burden should have been placed upon the applicant in view of the Commission's statement in paragraph 7 of the order that "Had these matters [alleged in the protest] been known prior to the grant without hearing, they would have merited careful and substantial consideration when the application was processed," and further, that it is not unusual to place the burden of proof on an applicant with respect to issues which relate to rule violations.

4. The word "adopted," as it appears in paragraph 10 (quoted in footnote 1 herein) of the order, was not used as a word of art, but was used rather in the sense of indicating that some of the requested issues were acceptable as phrased by the protestant, but that the remaining requested issues would be acceptable only if rewritten. The subsequent provisions of the order specifying the issues under which the applicant and the protestant, respectively, are to bear the burden of proof, preclude an interpretation of paragraph 10 of the order as manifesting an intention on the part of the Commission to "adopt on its own motion," within the meaning of section 309(c) of the Act, any of the requested issues. In order to avoid, however, any possible future misinterpretation of paragraph 10 of the order, it will be amended by deleting therefrom the word "adopted" and substituting therefore the word "acceptable."

[1] Issues 2 and 3 read as follows:

2. To determine whether any unlicensed operation in violation of section 301 of the Communications Act and Subpart F of Part 21 of the Commission's rules has taken place during the conduct of such tests.

3. To determine whether any willful and knowing misrepresentation or concealment of material facts by Applicant has taken place in connection with the conduct of developmental operations by Applicant, and the developmental report submitted to the Commission relative thereto.

[2] Paragraph 10 of the order reads as follows: "The Protestant's suggested Issues (a), (c), (e) and (g) are adopted and Issues (b), (d) and (f) are adopted as rewritten."

5. We are not persuaded that the burden of proof under Issues 2 and 3 should be placed upon the applicant. To do so would, in effect, require him to prove a negative, or, as the applicant in its opposition so aptly states, "to prove himself without sin."

Accordingly, it is ordered, This 4th day of November 1959, that the motion to Correct Order, filed August 28, 1959, by Kay Kelso Kidd, d/b as Radio Dispatch Engineering Company, is denied; and that paragraph 10 of the order (FCC 59-873), released August 24, 1959, in the above-captioned proceeding, is amended by deleting the word "adopted" in the places in which it therein appears and substituting therefor the word "acceptable."

Released: November 6, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9598; Filed, Nov. 10, 1959; 8:53 a.m.]

[Docket No. 13181; FCC 59M-1470]

MARIN BROADCASTING CO., INC.

Order Following Prehearing Conference

In re application of Marin Broadcasting Company, Inc., Radio Station KTIM, San Rafael, California, Docket No. 13181, File No. BP-12540, for construction permit to change transmitter site.

A prehearing conference in the above-entitled matter having been held on November 3, 1959, and it appearing that certain agreements were reached therein which properly should be formalized in an order:

It is ordered, This 4th day of November 1959; that:

1. The affirmative case of the applicant and the rebuttal of the respondent, Broadcast Associates, Inc., shall be presented by written, sworn exhibits;

2. The applicant shall make a preliminary exchange of its proposed technical exhibits with the other parties herein by December 29, 1959;

3. The applicant shall furnish copies of its proposed technical and non-technical exhibits in final form to the other parties herein (with copies to be supplied to the Hearing Examiner) by January 18, 1960; and

4. Counsel for the applicant shall be notified by the other parties concerned by January 22, 1960, as to those witnesses for the applicant who are to be made available for cross-examination;

It is further ordered, That the hearing in this proceeding heretofore scheduled to commence on December 18, 1959, is continued to Tuesday, January 26, 1960, at 10:00 o'clock a.m., in the offices of the Commission, Washington, D.C.

Released: November 5, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9599; Filed, Nov. 10, 1959; 8:53 a.m.]

[Docket Nos. 12993–12996; FCC 59M–1471]

S & W ENTERPRISES, INC., ET AL.

Order Governing Course of Hearing

In re applications of S & W Enterprises, Inc., Woodbridge, Virginia, Docket No. 12993, File No. BP–11438; Interurban Broadcasting Corporation, Laurel, Maryland, Docket No. 12994, File No. BP–12058; Rollins Broadcasting of Delaware, Inc. (WJWL), Georgetown, Delaware, Docket No. 12995, File No. BP–12229; Milton Grant and James R. Bonfils, d/b as Laurel Broadcasting Company, Laurel, Maryland, Docket No. 12996, File No. BP–12841; for construction permits.

At a pre-hearing conference held on November 4, 1959, the following calendar governing future steps in this proceeding was established:

November 13, 1959, Informal Engineering Conference.
January 11, 1960, Exchange of Engineering Showings.
January 15, 1960, Further Pre-hearing Conference.
January 18, 1960, Second Informal Engineering Conference.
February 1, 1960, Engineering Exhibits Frozen and Finally Exchanged.
February 3, 1960, Further Pre-hearing Conference.
February 8, 1960, Hearing.

So ordered, this 4th day of November 1959.

Released: November 5, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–9600; Filed, Nov. 10, 1959; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E–6905]

BONNEVILLE PROJECT, COLUMBIA RIVER—OREGON–WASHINGTON

Notice of Request for Approval of Wholesale Rate Schedule

NOVEMBER 4, 1959.

Notice is hereby given that the Secretary of the Interior, on behalf of the Bonneville Power Administration (Bonneville) has filed with the Federal Power Commission for approval, pursuant to the provisions of the Bonneville Act (50 Stat. 731), as amended, a proposed Wholesale Rate for the sale of power to the City of Coulee Dam, Washington, as contained in a contract between Bonneville and City of Coulee Dam.

The Secretary reports that pursuant to the Coulee Dam Community Act of 1957, the Secretary is authorized to make available as power and energy reserved for the operation and maintenance of the Columbia Basin project, for users in the town area and to other communities within three and one-half miles of Grand Coulee Dam which are served by municipally-owned distribution systems, such amount of power and energy as, in his judgment, is needed to meet load requirements for space-hearing purposes existing at the time of incorporation of the municipality. Such power and energy may be made available directly to the users or indirectly through distributing agencies for a period of ten years from the date of the Act and may be at such special rates as the Secretary finds to be proper, but at not less than cost.

The contract with the City of Coulee Dam provides that in addition to the scheduled amounts of monthly power and energy, needed to meet the space heating requirements that the remaining power requirements of the City is to be sold under Bonneville's Firm Wholesale Rate Schedule E–4, subject to the following modifications:

1. Section 4 of Rate Schedule E–4 shall not be applicable.

2. The measured demand shall be the remainder obtained by subtracting from the largest of the 30-minute integrated demands for each billing month at which electric energy is delivered, the scheduled amounts of power approved by the Secretary as needed to meet the space-heating requirements of the City; *Provided, however,* That the remainder shall not be greater than the number of kilowatts resulting from a 50 percent load factor usage, nor less than the number of kilowatts resulting from a 70 percent load factor usage based on the amount of energy remaining as the difference between the total number of kilowatt-hours delivered to the City during each billing month and the scheduled amounts of energy approved by the Secretary as needed to meet the space-heating requirements.

The proposed Wholesale Power Rate Schedule is on file with the Commission for public inspection. Any person desiring to comment or make any representation with respect thereto should submit same on or before November 25, 1959 to the Federal Power Commission, Washington 25, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–9564; Filed, Nov. 10, 1959; 8:49 a.m.]

[Docket No. G–19982]

IROQUOIS GAS CORP.

Order for Hearing, Suspending Proposed Revised Tariff Sheets and Allowing Tariff Sheets To Become Effective Upon Filing of Motion and Undertaking To Assure Refund of Excess Charges

NOVEMBER 4, 1959.

Iroquois Gas Corporation (Iroquois), on October 5, 1959, tendered for filing First Revised Sheets Nos. 19A through 19E to its FPC Gas Tariff, Original Volume No. 1. In the above-designated tender Iroquois proposes to pass on to Pennsylvania Gas Company (Pennsylvania) and United Natural Gas Company (United), its affiliated customers, the cost of the new Texas Severance Beneficiary Tax. The proposed tariff change represents an annual increase of about $24,000. Iroquois requests an effective date of October 31, 1959, the date the first payment of the tax is due.

Iroquois sells to Pennsylvania and United natural gas purchased from the Sheridan Field, Colorado County, Texas. Although Iroquois pays for the purchased gas and for the entire transportation charge, Tennessee Gas Transmission Company (Tennessee) transports and delivers this gas directly to Pennsylvania and United for the account of Iroquois. The aforementioned tariff provides a cost formula under which the rate is the sum of the average cost of purchased gas, the average cost of transportation billed to Iroquois by Tennessee, and pro-rated administrative charges. The proposed tariff change provides an additional monthly component of cost, namely, the average cost of any taxes paid to others than the suppliers for gas purchased. It is specifically designed to recover the cost of the Texas Severance Beneficiary Tax, which became effective September 1, 1959.

The Commission is advised that litigation is being instituted to challenge the constitutionality of the Texas Severance Beneficiary Tax. In consideration of this fact, and in order to assure appropriate refund in the event said tax should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

The Commission finds:

(1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rate, charge, classification, and service contained in Iroquois' FPC Gas Tariff Original Volume No. 1 as proposed to be amended by First Revised Sheets Nos. 19A through 19E as tendered for filing on October 5, 1959, and that said proposed revised tariff sheets and the rate contained therein be suspended and the use thereof deferred as hereinafter provided.

(2) It is appropriate in the public interest and in carrying out the provisions of the Natural Gas Act that Iroquois' proposed tariff sheets be made effective as hereinafter provided and that Iroquois be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4 and 15 of the Natural Gas Act, and the Commission's regulations under the Natural Gas Act, including rules of practice and procedure (18 CFR Ch. 1), a public hearing be held at a time and date to be fixed by notice from the Secretary of this Commission, concerning the lawfulness of the rate, charge, classification, and service, subject to the jurisdiction of the Commission, contained in Iroquois' FPC Gas Tariff Original Volume No. 1 as proposed to be amended by First Revised Sheets

Nos. 19A through 19E as tendered for filing on October 5, 1959.

(B) Pending such hearing and decision thereon First Revised Sheets Nos. 19A through 19E to Iroquois' FPC Gas Tariff, Original Volume No. 1 as tendered for filing on October 5, 1959, are each hereby suspended, and their use deferred until November 6, 1959, and until such further time as they are made effective in the manner hereinafter prescribed.

(C) The rate, charge, classification, and service set forth in the above-designated filing shall be effective as of November 6, 1959: *Provided, however,* That, within 20 days from the date of this order, Iroquois shall file a motion as required by section 4(e) of the Natural Gas Act and concurrently execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Iroquois shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the presently effective rate and charge and the proposed increased rate and charge hereby allowed to become effective in the event the Texas Severance Beneficiary Tax is for any reason held to be invalid. Should said tax eventually be held invalid and the State of Texas make refund, with interest, of the tax monies collected pursuant to said tax, then, and in that event, a proportionate part of the interest so received by Iroquois herein shall be passed on and paid to the persons entitled thereto at such times, and in such amounts, and in such manner as may be required by final order of the Commission. Iroquois shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and four copies), in writing and under oath to the Commission monthly, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, Iroquois shall concurrently execute and file (original and three (3) copies) with the Secretary of the Commission its motion to make the rate effective and its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the tariff sheets involved, as follows:

Agreement and Undertaking of Iroquois Gas Corporation To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order for Hearing, Suspending Proposed Revised Tariff Sheets, and Allowing Revised Tariff Sheets To Become Effective Upon Filing of Motion and Undertaking To Assure Refund of Excess Charges

In conformity with the requirements of the order issued (Date), in Docket No. G-19982, Iroquois Gas Corporation hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this _____ day of _____, 1959.

IROQUOIS GAS CORPORATION

By _____

Attest:

_____

(Secretary)

Unless Iroquois is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Iroquois shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

(G) Neither the tariff here proposed to be amended nor the revised tariff sheets hereby suspended shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9565; Filed, Nov. 10, 1959; 8:49 a.m.]

[Docket No. G-19425]

OHIO FUEL GAS CO.

Notice of Application and Date of Hearing

NOVEMBER 4, 1959.

Take notice that The Ohio Fuel Gas Company (Applicant), an Ohio corporation with a principal place of business in Columbus, Ohio, filed an application in Docket No. G-19425 on September 8, 1959, pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon its Lima underground storage field facilities and its operation of the field in Mahoning County, Ohio, which field was acquired by Applicant from its affiliate, Natural Gas Company of West Virginia, all as more fully described in the application on file with the Commission and open to public inspection.

Applicant states that the Lima field is a small, low pressure pool in the Berea formation, with poor deliverability and since integration of the facilities acquired from Natural, Applicant finds that storage services formerly provided by use of this field can now be provided to better advantage by other storage fields owned and operated by Applicant. The estimated storage capacity of the pool is 300,000 Mcf, compared with 218,000,000 Mcf of capacity of all storage fields operated by Applicant.

Applicant requests authority to abandon 12 wells and appurtenances, 14,949 feet of 2- to 6-inch well and gathering lines, a 117 hp field compressor, leaseholds and measuring equipment.

The credit to fixed capital for these facilities, including storage cushion gas, is $121,292. Cost of removing the facilities is estimated at $13,075 and salvage value is estimated at $13,580. Savings in operating expenses due to the proposed abandonment are estimated at $11,750 per year. Also that as of July 1, 1959, Applicant had about 203,900 Mcf of storage gas in the Lima Field and remaining native reserves in the field estimated at 480,000 Mcf. The company will withdraw the storage gas to the economical limit but, because of the poor deliverability of the field, does not intend to produce the native reserves.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 16, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application as amended: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 4, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9566; Filed, Nov. 10, 1959; 8:49 a.m.]

[Docket Nos. G-15115, G-15158]

SUNRAY MID-CONTINENT OIL CO. ET AL.

Notice of Severance

NOVEMBER 4, 1959.

In the matters of Sunray Mid-Continent Oil Company, et al., Docket No. G-15115, et al., and G. Stratton, Docket No. G-15158.

Notice is hereby given that the application in Docket No. G-15158, filed by G. Stratton is severed from the above entitled consolidated proceedings now scheduled for hearing on December 10, 1959, for such disposition as may hereinafter be determined appropriate by the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-9567; Filed, Nov. 10, 1959; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 6, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SEORT HAUL

FSA No. 35808: *Grain and products between Ohio and Mississippi River crossings and points in Virginia and Tennessee.* Filed by O. W. South, Jr., Agent (SFA No. A3862), for interested rail carriers. Rates on grain, grain products, and feed, carloads between Ohio and Mississippi River crossings, on the one hand, and border points in Virginia and Tennessee, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 100 to Southern Freight Association, Agent, tariff I.C.C. 1625.

FSA No. 35809: *Substituted service—ACL RR for Central Truck Lines.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 12), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars (1) between Atlanta, Ga., or Savannah, Ga., on the one hand, and Jacksonville, Orlando, Lakeland, or Tampa, Fla., on the other, and (2) between Jacksonville, Fla., on the one hand, and Lakeland or Tampa, Fla., on the other, on traffic from and to points beyond, as described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 9 to Southern Motor Carriers Rate Conference, Agent, tariff I.C.C. No. 32.

FSA No. 35810: *Vegetable cake or meal—Western points to Illinois points.* Filed by Western Trunk Line Committee, Agent (No. A-2090), for interested rail carriers. Rates on vegetable meal, pressed cottonseed, cottonseed hulls, and related articles, carloads from specified points in Colorado, Kansas, Missouri and Nebraska to specified destinations in southern Illinois.

Grounds for relief: Short-line distance formula, and maintenance of higher-level rates in intermediate territories.

Tariff: Supplement 7 to Western Trunk Lines, Agent, tariff I.C.C. A-4276.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-9582; Filed, Nov. 10, 1959; 8:51 a.m.]

[Notice 34]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

NOVEMBER, 6, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "grandfather" clause of section 7(c) of the Transportation Act of 1958. These matters are governed by special rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

No. MC 117931 (REPUBLICATION AS AMENDED), filed November 6, 1958, published FEDERAL REGISTER, issue of March 18, 1959. Applicant: LEONARD KURTZ, 146 Fernon Street, Philadelphia, Pa. Applicant's attorney: Joseph E. Gold, Suite 1800 Finance Building, 1428 South Penn Square, Philadelphia 2, Pa. The previous notice of the filing of the subject application, as published in the FEDERAL REGISTER, issue of March 18, 1959, failed fully to describe the authority sought in the Form BOR-1 application, filed December 5, 1958, which seeks a certificate to continue the transportation, in interstate or foreign commerce, by motor vehicle, over irregular routes, of: *Bananas*, from Baltimore, Md., to Philadelphia, Pa., and from Weehawken, N.J., to Philadelphia, Pa., and from New York City, N.Y., to Philadelphia, Pa., and Harrisburg, Pa. Applicant, at an informal conference stipulated that the actual scope of operations performed as of May 1, 1958, and prior and subsequent thereto was as described above. The railroads agreed to the foregoing stipulation. The purpose of this republication is to give notice to any persons who relied upon the notice, as originally published, and whose interests may have been prejudiced by the failure of that notice to adequately recite the issues to, within 30 days from the date of this republication in the FEDERAL REGISTER, file protests or other pleadings.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-9583; Filed, Nov. 10, 1959; 8:51 a.m.]

[Notice 104]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 6, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 10928 (Deviation No. 5), SOUTHERN-PLAZA EXPRESS, INC., P.O. Box 10572, Dallas 7, Tex., filed October 21, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction U.S. Highway 90 and U.S. Highway 165 at Iowa, La., over U.S. Highway 165 to Kinder, La., thence over U.S. Highway 190 to junction U.S. Highway 61 at the east end of the Mississippi River Bridge at Baton Rouge, La., thence over U.S. Highway 61 to New Orleans, La., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from junction U.S. Highway 90 and U.S. Highway 165 at or near Iowa, over U.S. Highway 90 via Lafayette, La., to New Orleans, and return over the same route.

No. MC 15821 (Deviation No. 1), GRAF BROS. INC., 17 Water Street, Newburyport, Mass., filed October 22, 1959. Attorney, Kenneth E. Williams, 111 State Street, Boston 9, Mass. Carrier proposes to operate as a *common carrier*

by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (A) from the southern terminus of the Maine Turnpike at Kittery, Maine, over the said Turnpike and access routes to Portland, Maine; and (B) from the southern terminus of the New Hampshire Turnpike at the Massachusetts-New Hampshire State line over the said Turnpike and access routes to Portsmouth, N.H.; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent service route: from Portland, Maine, over U.S. Highway 1 via Portsmouth and Salisbury, Mass., to Boston, Mass., and return over the same route.

No. MC 55896 (Deviation No. 1), RAY WILLIAMS FREIGHT LINES, INC., 1750 Southfield Road, Lincoln Park, Mich., filed October 19, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: from Toledo, Ohio, over U.S. Highway 223 to junction U.S. Highway 127, thence over U.S. Highway 127 to Jackson, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Toledo over U.S. Highway 23 to junction Michigan Highway 50, thence over Michigan Highway 50 to junction U.S. Highway 112, thence over U.S. Highway 112 to junction U.S. Highway 127, thence over U.S. Highway 127 to Jackson, and return over the same route.

No. MC 67646 (Sub. No. 2) (Deviation No. 7), HALL'S MOTOR TRANSIT COMPANY, P.O. Box 738, Sunbury, Pa., filed October 26, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) from the Harrisburg Interchange near Lemoyne, Pa., of the Pennsylvania Turnpike over the said Turnpike to junction with U.S. Highway 202 (Valley Forge Exchange); (B) from the Delaware Memorial Bridge Interchange of the New Jersey Turnpike over said Turnpike to the George Washington Bridge Interchange; (C) from King of Prussia, Pa., over the Pennsylvania Turnpike to its junction with U.S. Highways 1 and 13 near the Delaware River; and (D) from Harrisburg, Pa., over U.S. Highway 422 to junction bypass U.S. Highway 230, thence over bypass U.S. Highway 230 to junction Pennsylvania Turnpike at Interchange No. 19, thence over Pennsylvania Turnpike to the Pennsylvania-Ohio State line, thence over the Ohio Turnpike to Cleveland Interchange (Ohio Turnpike Interchange No. 11), thence over U.S. Highway 21 to Cleveland, Ohio, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent service routes: from Oil City Pa., over U.S. Highway 62 via Franklin, Pa., to Sandy Lake, Pa., thence over Alternate U.S. Highway 322 (formerly Pennsylvania Highway 358) to Greenville, Pa., thence over Pennsylvania Highway 358 to the Pennsylvania-Ohio State line, thence over Ohio Highway 88 to Parkman, Ohio, thence over U.S. Highway 422 to Chagrin Falls, Ohio, thence over unnumbered highway to Cleveland; from Harrisburg, Pa., over U.S. Highway 15 to Lewisburg, Pa.; from Lewisburg over Pennsylvania Highway 45 to Old Fort, Pa.; from Old Fort over Pennsylvania Highway 53 to junction U.S. Highway 322 and thence over U.S. Highway 322 to Franklin, Pa., and thence over U.S. Highway 62 to Oil City, Pa.; from Sunbury, Pa., over U.S. Highway 122 to Hamburg, Pa., thence over U.S. Highway 22 to Newark, N.J., thence over U.S. Highway 1 to New York, N.Y.; from Washington, D.C., over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Trenton, N.J., thence over New Jersey Highway 27 to Newark, N.J., (also from Baltimore, Md., over U.S. Highway 1 to Newark, N.J.), and thence over U.S. Highway 1 to New York; from Baltimore, Md., over various routes to Hanover, Pa., thence over Pennsylvania Highway 116 to junction U.S. Highway 30, thence over U.S. Highway 30 to Philadelphia; from Harrisburg, Pa., over U.S. Highway 422 to Philadelphia; from Harrisburg over U.S. Highway 230 to Lancaster, Pa.; from Harrisburg over U.S. Highway 22 to Allentown, Pa., thence over unnumbered highway (formerly U.S. Highway 22) via Butztown and Wilson, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Somerville, N.J., thence over New Jersey Highway 28 to Elizabeth; from Somerville over U.S. Highway 22 to Newark; from Lancaster, Pa., over Pennsylvania Highway 72 to Quentin, Pa., thence over U.S. Highway 322 to Hummelstown, Pa.; from Lancaster, over U.S. Highway 222 to Allentown; and return over the same routes. This notice is intended to replace notices of York Motor Express Company dated November 3, 1950, October 31, 1952, September 24, 1954, and a notice of Hall's Motor Transit Company, dated June 19, 1956.

No. MC 110325 (Sub No. 1) (Deviation No. 8), TRANSCON LINES, 1206 South Maple Avenue, Los Angeles 15, Calif., filed October 26, 1959. Attorney, Lee Reeder, 1012 Baltimore Building, Kansas City 5, Mo. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: from Arkansas City, Kans., over U.S. Highway 166 to junction Kansas Turnpike, thence over Kansas Turnpike and access routes to Wichita, Kans., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Arkansas City over U.S. Highway 77 to Augusta, Kans., thence over U.S. Highway 54 to Wichita, and return over the same route.

MOTOR CARRIER OF PASSENGERS

No. MC 109780 (Deviation No. 3), TRANSCONTINENTAL BUS SYSTEM, INC., Box 730, Wichita 1, Kans., filed October 26, 1959. Attorney, C. Zimmerman, P.O. Box 730, Wichita 1, Kans. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers*, over a deviation route as follows: from Junction City, Kans., over Interstate Highway 70 and New U.S. Highway 40 to Abilene, Kans., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Kansas City, Mo., and Salina, Kans., over Old U.S. Highway 40.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-9584; Filed, Nov. 10, 1959; 8:51 a.m.]

[Notice 295]

MOTOR CARRIER APPLICATIONS

NOVEMBER 6, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub No. 160) filed October 27, 1959. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the Cougar Dam, located on the South Fork of the McKenzie River, approximately three (3) miles southeast of Blue River, Oreg., and points within ten (10) miles of said dam site, as off-route points in connection with applicant's authorized regular route operations at Eugene, Oreg. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Kansas, Missouri, Montana, Nevada, Oregon, Utah, Washington, Wyoming, Iowa, Nebraska, New Mexico, Oklahoma, and Wisconsin.

HEARING: December 3, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172.

No. MC 61403 (Sub No. 45), (CLARIFICATION), filed September 29, 1959, published FEDERAL REGISTER, issue of October 14, 1959. Applicant: THE MASON AND DIXON TANK LINES, INC., Wilcox Drive, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, N.O.S., in special tank containers on Government-owned trailers, with or without escorts, and (2) *empty government-owned tanks and trailers*, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified on return, between the site of the Savannah River plant of the Atomic Energy Commission at or near Dunbarton, S.C., on the one hand, and, on the other, the Oak Ridge Plant of the Atomic Energy Commission at Oak Ridge, Tenn. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: The Atomic Energy Commission advises that the commodities proposed to be transported are Chemicals, N.O.S., which is actually a mixture of chemicals, the base of which is nitric acid, and the radioactivity is very slight, and is not to be considered as a dangerous radioactive substance.

HEARING: Remains as reassigned, November 19, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Mack Myers.

No. MC 52657 (Sub No. 578), filed October 19, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except passenger automobiles, as described in the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in secondary driveaway service only when combined with vehicles moving in initial driveaway service, from Montpelier, Ohio to points in Alaska, Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and Washington, D.C., and *damaged, rejected* or *returned shipments* of the above-described commodities on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: December 11, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Robert A. Joyner.

No. MC 52657 (Sub No. 579), filed October 19, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor Vehicles*, except passenger automobiles, as described in the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766, in initial movements in driveaway and truckaway service, *parts* and *accessories* thereof and *show paraphernalia* and *equipment* moving at the same time with above-described motor vehicles, from Montpelier, Ohio, to points in the United States, including Alaska and Washington, D.C., and *damaged, rejected* or *returned shipments* of the above-described commodities on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: December 10, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Robert A. Joyner.

No. MC 65941 (Sub No. 19), filed October 21, 1959. Applicant: TOWER LINES, INC., P.O. Box 907, North Third Street and Warwood Avenue, Wheeling, W. Va. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products*, from Waynesville and Ashville, N.C., to Wheeling, W. Va. Applicant is authorized to conduct operations in Georgia, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: December 11, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold W. Angle.

No. MC 68349 (Sub No. 26), (CLARIFICATION), filed October 5, 1959, published FEDERAL REGISTER, issue of October 21, 1959. Applicant: ROWE TRANSFER & STORAGE COMPANY, 1319 Webster Avenue SW., P.O. Box 219, Knoxville, Tenn. Applicant's attorney: Hugh A. Tapp, 500 Bruwell Building, Knoxville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, N.O.S. in special tank containers on government-owned trailers, with or without escorts, and *empty government-owned tanks and trailers*, and *empty containers, or other such incidental facilities* (not specified) used in transporting the commodities specified on return, between the site of the Savannah River Plant of the Atomic Energy Commission at or near Dunbarton, S.C., and the site of the Oak Ridge Plant of the Atomic Energy Commission at Oak Ridge, Tenn. Applicant is authorized to conduct operations in Tennessee, Georgia, South Carolina, North Carolina, Kentucky, Alabama, Florida, Mississippi, Arkansas, Ohio, Indiana, Virginia, West Virginia, and Pennsylvania.

HEARING: Remains as assigned November 19, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Mack Myers.

No. MC 102682 (Sub No. 242), filed October 26, 1959. Applicant: HUGHES TRANSPORTATION, INC., 2038 Meeting Street, P.O. Box 851, Charleston, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammunition and explosives and component parts*, between points in Duval and Clay Counties, Fla., on the one hand, and, on the other, points in Charleston and Berkeley Counties, S.C. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: Applicant states that no duplicating authority is sought.

HEARING: December 4, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 354, or if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 107403 (Sub No. 291), filed October 28, 1959. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Newark, Ohio to points in Alabama, Florida, Georgia, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, New York, North Carolina, Pennsylvania, South Carolina, and Tennessee. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: December 11, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 109947 (Sub No. 27), filed October 12, 1959. Applicant: WARSAW TRUCKING CO., INC., R.R. No. 5, Warsaw, Ind. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant site of the Champion Paper and Fibre Company located at Hamilton, Ohio, to points in Illinois south of U.S. Highway 40, points in Indiana south of U.S. Highway 40, points in Missouri, except St. Louis, and points in Iowa. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Missouri, Nebraska, Ohio, Pennsylvania, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act, to determine whether applicant's status is that of a contract or common carrier in No. MC 109947 (Sub No. 22).

HEARING: December 11, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James I. Carr.

No. MC 110525 (Sub No. 402), filed November 5, 1959. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: V. Baker Smith and Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, (1) from Careteret and Kearny, N.J., to Baltimore, Md., (2) from Claymont, Del., to Baltimore, Md., and *rejected shipments* of dry chemicals on return. Applicant is authorized to conduct operations in New Jersey, New York, Maryland, Pennsylvania, Kentucky, West Virginia, Ohio, Delaware, Maine, Louisiana, Iowa, Florida, California, Arkansas, Alabama, Virginia, North Carolina, Tennessee, Kansas, Michigan, Illinois, Connecticut, Mississippi, Indiana, Rhode Island, Minnesota, Missouri, Wisconsin, Georgia, District of Columbia, Vermont, Texas, South Carolina, Oklahoma, New Hampshire, and Nebraska.

HEARING: December 15, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 111812 (Sub No. 64), filed February 13, 1959. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *commodities* exempt from certificate requirements under section 203(b)(6) of the Interstate Commerce Act when moving with commodities which are not exempt, between points in Washington, Oregon, California, Idaho, and Arizona, on the one hand, and, on the other, points in Pennsylvania, New York, Maryland, Massachusetts, New Jersey, Maine, Virginia, West Virginia, and the District of Columbia. *Frozen foods, canned goods*, and *commodities* exempt from certificate requirements under section 203(b)(6) of the Interstate Commerce Act when moving with commodities which are not exempt, from points in Maine, New Hampshire, Massachusetts, New York, Pennsylvania, New Jersey, Delaware, Virginia, West Virginia, and Maryland, to points in Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Colorado, and Kansas.

HEARING: December 14, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 119203 (SECOND AMENDMENT), filed September 9, 1959, published issue FEDERAL REGISTER October 22, 1959, and republished issue November 4, 1959. Applicant: DOMINICK CARIDI, doing business as MIKE'S EXPRESS, 355 West 26th Street, New York 1, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wire, wire rope, wire strand, wire fence and fence parts, reinforcement mesh, wire hardware cloth, iron and steel and aluminum insect screening, alumnium fence* and *aluminum fence parts*, from Clifton, N.J., to New York, N.Y., and points in Dutchess, Nassau, Putnam, Orange, Rockland, Suffolk, Ulster, and Westchester Counties, N.Y., and *rejected, damaged, and returned shipments* on return.

NOTE: The purpose of this second republication is to amend the commodity description.

HEARING: Remains as assigned December 16, 1959, at 346 Broadway, New York, N.Y., before Examiner Michael B. Driscoll.

MOTOR CARRIERS OF PASSENGERS

No. MC 109802 (Sub No. 14), filed October 21, 1959. Applicant: LAKELAND BUS LINES, INC., 1060 Broad Street, Newark 2, N.J. Applicant's attorney: William Ryan, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* in the same vehicle with passengers, between Bernardsville, N.J., and Gladstone, N.J. (also known as Peapack, N.J.), from Bernardsville over Mine Brook Road, traversing Bernards Township and the locality known as Mine Brook, to Far Hills, N.J., thence over Main Street to Bedminister, N.J., to its junction with Hillside Avenue, thence over Hillside Avenue to its junction with Route 206, also over Main Street, Bedminister, N.J., to its junction with Route 206 and thence over Route 206 to its junction with Hillside Avenue, thence over Route 206 to the junction of Route 206 and Maple Street, Peapack, N.J., thence over Midland Avenue to its junction with Peapack Road, also known as Main Street, Peapack, N.J., thence over Main Street, Maple Avenue and Mendham Road to Gladstone, N.J., including city streets in Far Hills, Bedminister, Peapack, and Gladstone, and return over the same routes, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: December 11, 1959, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 19945 (Sub No. 7), filed October 29, 1959. Applicant: BEHNKEN TRUCK SERVICE, INC., Illinois Route 13, New Athens, Ill. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand* and *gravel*, in bulk, in dump trucks, from St. Louis, and points in St. Louis County, Mo., to points in St. Clair County, Ill. Applicant is authorized to conduct operations in Illinois and Missouri.

No. MC 66562 (Sub No. 1582), filed October 28, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, Principal Office: 219 East 42d Street, New York 17, N.Y. Local Office: 275 East Fourth Street, St. Paul 1, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Classes A and B explosives*, moving in express service, limited however, to transportation of express shipments having a prior or subsequent rail or air haul, between Roscoe, S. Dak., and Strasburg, N. Dak., from Roscoe west over U.S. Highway 12, a distance of approximately 6 miles, to junction unnumbered County Road, thence north over unnumbered County Road, a distance of approximately 9 miles to Hosmer, S. Dak., thence north and west over unnumbered County Road, a distance of approximately 7 miles, to Hillsview, S. Dak., thence north over unnumbered County Road, a distance of approximately 9 miles, to junction South Dakota Highway 10, thence west over South Dakota Highway 10, a distance of approximately 3 miles, to Eureka, S. Dak., thence north and west from Eureka over unnumbered County Road, a distance of approximately 15 miles, to Greenway, S. Dak., thence south, west, and north through Artas, S. Dak., a distance of approximately 16 miles, over unnumberd County Roads to Zeeland, N. Dak., thence north over unnumbered County Road, a distance of approximately 4 miles, to junction North Dakota Highway 11, thence west over North Dakota Highway 11, a distance of approximately 8 miles, to Hague, N. Dak., thence west over North Dakota Highway 11, a distance of approximately 5 miles, to junction U.S. Highway 83, thence north over U.S. Highway 83, a distance of approximately 8 miles to Strasburg, and return over the same route, serving the intermediate points of Artas, Eureka, Hillsview, and Hosmer, S. Dak., and Hague and Zeeland, N. Dak. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that the instant application is for authority to substitute motor service for rail service in order to improve its service to the aforementioned communities. As a pure substitute service, applicant considers that it effects no change in competitive conditions within the area involved.

No. MC 66562 (Sub No. 1583), filed October 29, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Classes A and B explosives*, moving in express service, limited however to transportation of express shipments having a prior or subsequent rail or air haul, between Bemidji, Minn., and Thief River Falls, Minn., from Bemidji over U.S. Highway 2 to Solway, Minn., thence over unnumbered County Road to Leonard,

Minn., thence over unnumbered County Road to Clearbrook, Minn., thence over Minnesota Highway 92 to junction Minnesota Highway 222, thence over Minnesota Highway 222 to Oklee, Minn., thence return over Minnesota Highway 222 to junction Minnesota Highway 92, thence over Minnesota Highway 92 to junction U.S. Highway 59, thence over U.S. Highway 59 to Thief River Falls, and return over the same route, serving the intermediate points of Leonard, Clearbrook, Gonvick, Gully, and Oklee, Minn., and the off-route point of Plummer, Minn. Applicant is authorized to conduct operations throughout the United States.

No. MC 109494 (Sub No. 8), filed October 27, 1959. Applicant: HERBERT BUSKIRK, 3333 Freemansburg Avenue, Easton, Pa. Applicant's representative: A. E. Enoch, Brodhead Block, 556 Main Street, Bethlehem, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Textile machines*, assembled, not knocked down, and *incidental parts* thereof, and *equipment* therefor, when transported in the same vehicle, requiring the use of cradles, from points in Pennsylvania to points in Maine, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Alabama, Connecticut, Deleware, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and Wisconsin.

No. MC 115389 (Sub No. 2), filed October 30, 1959. Applicant: EAGLE ENGINEERING COMPANY, a corporation, P.O. Box 582, Douglas, Wyo. Applicant's attorney: Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore*, in bulk, in dump vehicles, between points in Converse, Goshen, and Niobrara Counties, Wyo. Applicant is authorized to conduct operations in South Dakota and Wyoming.

No. MC 116886 (Sub No. 7), filed October 27, 1959. Applicant: HOWELL'S MOTOR FREIGHT, INCORPORATED, 1719 South Jefferson Street, Roanoke, Va. Applicant's attorney: R. Roy Rush, Boxley Building, Roanoke, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, dairy products*, and *articles distributed by meat packing houses*, as defined in Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from Bristol, Va., to Erwin, Tenn., and *rejected or refused shipments*, of the above-specified comomdities, on return. Applicant is authorized to conduct operations in North Carolina, South Carolina, Tennessee, and Virginia.

No. MC 118465 (Sub No. 4), filed November 2, 1959. Applicant: COMMERCIAL OIL TRANSPORT OF OKLAHOMA, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, including but not limited to those described in Appendix XIII to the report in Description in Motor Carrier Certificate 61 M.C.C. 209, from Cleveland, Okla., to points in Iowa and Nebraska. Applicant is authorized to conduct operations in Iowa, Nebraska, Oklahoma, and South Dakota.

MOTOR CARRIERS OF PASSENGERS

No. MC 119276, filed October 26, 1959. Applicant: La GRANGE-La GRANGE PARK TRANSIT CO., INC., 710 East 31st Street, La Grange Park, Ill. Applicant's attorney: James F. Flanagan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Cook and Du Page Counties, Ill., and extending to points in Indiana, Wisconsin, Michigan, Iowa, Minnesota, Kentucky, and Missouri.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7355. Authority sought for purchase by E. M. KELLER & CO., INC., 725 South Cuyler, Pampa, Tex., of the operating rights of E. M. KELLER, doing business as E. M. KELLER & COMPANY, 725 South Cuyler, Pampa, Tex., and EVERETT ANDERSON, doing business as EVERETT ANDERSON TRUCK SERVICE, P.O. Box 572, Great Bend, Kans., and for acquisition by E. M. KELLER, also of Pampa, of control of such rights through the purchase. Applicants' attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. Operating rights sought to be transferred: (KELLER) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts, *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines, and *heavy machinery and heavy or cumbersome commodities*, which, because of size or weight, require the use of special equipment, and *parts thereof*, as a *common carrier* over irregular routes between certain points in Texas, and between certain points in Texas on the one hand, and, on the other, points in New Mexico, Oklahoma and Kansas; the carrier may combine the above-described irregular route authorities provided they have a point common to both to which the carrier may transport a given shipment under one authority and from which it may transport the same shipment under the other, and establish through service under such combination provided in each instance the shipment is transported through the common or gateway point and provided further that this certificate does not contain any restriction or other indication that through service shall not be conducted; *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof except the stringing and picking up of pipe in connection with main or trunk pipelines, between Ulysses, Kans., on the one hand, and, on the other, points in Oklahoma; *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in New Mexico; (ANDERSON) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking-up thereof, as a *common carrier* over irregular routes, between points in Kansas, and between points in Kansas, on the one hand, and, on the other, points in Oklahoma, Colorado, and Wyoming. Vendee holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b). However, a request was submitted with the application for an extension of the lease of the operating rights of vendor E. M. KELLER, doing business as E. M. KELLER & COMPANY, to vendee, which lease, MC-FC 35331, expired August 30, 1959.

No. MC-F 7357. Authority sought for purchase by ROY J. GLENN, 1220 Circle Road, Worland, Wyo., of the operating rights of DIAMOND TRANSPORT COMPANY (M. A. MAHANNA, ROLAND A. SUESS, AND DEAN WINKJER, RECEIVERS), Box 236, Tioga, N. Dak. Applicants' attorney: Harold H. Healy, 512 Petroleum Building, Casper, Wyo. Operating rights sought to be transferred: *Oilfield and highway-building machinery and equipment*, as a *common carrier* over irregular routes, between

points in Colorado and Wyoming. Vendee operates in interstate or foreign commerce under the partial exemption of the second proviso of section 206(a)(1) as more fully described in Docket No. MC 108573 Sub 1. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7358. Authority sought for control and merger by T.I.M.E., Incorporated, 2604 Texas Avenue, P.O. Box 1120, Lubbock, Tex., of the operating rights and property of TENNESSEE CAROLINA TRANSPORTATION, INC., 905 Mile End Avenue, Nashville, Tenn., and for acquisition by ARNO R. DALBY, also of Lubbock, of control of such rights and property through the transaction. Applicants' attorney: W. D. Benson, Jr., P.O. Box 1120, Lubbock, Tex. Operating rights sought to be controlled and merged: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Charlotte, N.C., and Chattanooga, Tenn., between Asheville, N.C., and Enka, N.C., between Chattanooga, Tenn., and McMinnville, Tenn., between McMinnville, Tenn., and Nashville, Tenn., between junction Tennessee Highways 56 and 108 near Coalmont, Tenn., and Chattanooga, Tenn., and between Livingston, Tenn., and Cookeville, Tenn., serving certain intermediate points; four alternate routes for operating convenience only; *general commodities,* except loose bulk commodities, livestock, explosives (other than small arms ammunition), currency, bullion, jewelry, articles of virtu, corpses, and commodities requiring special equipment, between McMinnville, Tenn., and Cookeville, Tenn., serving all intermediate points; *general commodities,* excepting, among others, household goods and commodities in bulk, over irregular routes, between Charlotte, N.C., on the one hand, and, on the other, certain points in North Carolina and South Carolina; *canned goods and agricultural commodities,* from Charleston, S.C., to Charlotte, N.C. T.I.M.E., Incorporated, is authorized to operate as a *common carrier* in California, Arizona, New Mexico, Texas, Oklahoma, Arkansas, Missouri, Tennessee, Georgia, Indiana, Ohio, Kentucky, and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7359. Authority sought for control by NEW YORK & WORCESTER EXPRESS, INC., 556 Southbridge Street, Worcester 3, Mass., of WORCESTER & TAUNTON EXPRESS COMPANY, INC., Corner of Washington and South Streets, Auburn, Mass., and for acquisition by AUGUST SANTINI, 527 West 28th Street, New York, N.Y., of control of WORCESTER & TAUNTON EXPRESS COMPANY, INC., through the acquisition by NEW YORK & WORCESTER EXPRESS, INC. Applicant's attorneys: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J., and Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Operating rights sought to be controlled: *General commodities,* excepting, among others, commodities in bulk but not excepting household goods, as a *common carrier* over regular routes, between Worcester, Mass., and New Bedford, Mass., between Brockton, Mass., and Taunton, Mass., between Bridgewater, Mass., and Taunton, Mass., between Worcester, Mass., and Gardner, Mass., between Worcester, Mass., and Brockton, Mass., and between Worcester, Mass., and Holyoke, Mass., serving all intermediate and certain off-route points; *brass and brass products,* between Worcester, Mass., and Providence, R.I., serving the intermediate point of Uxbridge, Mass., and the off-route point of Whitinsville, Mass. NEW YORK & WORCESTER EXPRESS, INC., is authorized to operate as a *common carrier* in New York, New Jersey, Connecticut, Massachusetts, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7360. Authority sought by EUGENE PIKOVSKY, 2600 University Avenue NE., Minneapolis, Minn., for control through stock ownership and purchase of the operating rights and property of FREIGHT TRANSIT COMPANY, 1225 Dartmouth Avenue SE., Minneapolis, Minn. Applicants' attorneys: Donald A. Morken and Clay R. Moore, both of 1100 First National-Soo Line Building, Minneapolis, Minn., and Robert P. Schwinn, Pillsbury Building, Minneapolis, Minn. Operating rights sought to be controlled and transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Minneapolis, Minn., and Keokuk, Iowa, and between Mt. Pleasant, Iowa, and Keokuk, Iowa, serving certain intermediate points and the off-route point of Chemolite, Minn.; *general commodities,* excepting, among others, household goods and commodities in bulk, over irregular routes, between Council Bluffs, Iowa, and points in Iowa within two miles of Council Bluffs, and Omaha, Nebr., and between Chemolite, Minn., and points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission, on the one hand, and, on the other, points in Iowa; (RESTRICTION: The irregular-route authority specified above is restricted against service to those points in Iowa on U.S. Highway 218 between Charles City and Keokuk, those on U.S. Highway 34 between Mt. Pleasant and Burlington, and those on U.S. Highway 61 between Burlington and Keokuk); *animal and poultry feed ingredients,* from the site of the Allied Chemical and Dye Corporation plant near La Platte, Nebr., to Minneapolis, Minn. EUGENE PIKOVSKY holds no authority from this Commission. However, he is affiliated with HYMAN TRANSPORTATION COMPANY, 8 North State Street, Aberdeen, S. Dak., which is authorized to operate as a *common carrier* in Iowa, South Dakota, Minnesota and North Dakota. Application has not been filed for temporary authority under section 210 a(b).

No. MC–F 7361. Authority sought for purchase by R. A. BROWN, C. F. ILES, AND H. E. McKINNEY, doing business as MEADOWS TRANSFER COMPANY, Post Office Box 248, Bettendorf, Iowa, of the operating rights of DECATUR WAREHOUSE COMPANY, INC., 555 East Wood Street, Decatur, Ill. Applicants' attorney: Rex H. Fowler, 510 Central National Building, Des Moines, Iowa. Operating rights sought to be transferred: *Such merchandise* as is dealt in by chain retail department stores, and, in connection therewith, *equipment, materials,* and *supplies,* used in the conduct of such business, as a *contract carrier* under special and individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate chain retail department stores, the business of which is the sale of general commodities, over irregular routes, between certain points in Illinois; (with persons as defined in section 203(a) of the Interstate Commerce Act who operate retail stores, the business of which is the sale of food) *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials,* and *supplies,* used in the conduct of such business, between certain points in Illinois; (with persons as defined in section 203(a) of the Interstate Commerce Act who operate wholesale bakeries, the business of which is the sale of bakery products) *bakery products* and *bakery supplies,* from Decatur, Ill., to Normal, Bloomington, Champaign, and Pana, Ill. Vendee is authorized to operate as a *contract carrier* in Iowa, Nebraska, South Dakota, North Dakota, Minnesota, Illinois, Missouri, Indiana, Michigan and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–9585; Filed, Nov. 10, 1959; 8:51 a.m.]

[Notice 220]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 6, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62370. By order of November 3, 1959, the Commision, Division 4, authorized the transfer to Gene Mitchell, West Liberty, Iowa, of Permit No. MC 110349 issued August 29, 1956, in the name of Leo Trimble doing business as Trimble Transportation, Iowa City, Iowa,

authorizing the transportation of malt beverage, in containers, over irregular routes, from Peoria, Ill., Milwaukee, Wis., St. Paul, Minn., and South Bend, Ind., to Iowa City, Iowa; and malt beverages, from Waukesha, Wis., to Iowa City, Iowa; and animal and poultry feed, from the site of the plant of Protein Blenders, Inc., near Iowa City, Iowa, to points in Illinois; and animal and poultry feed ingredients, from points in Illinois to the site of the plant of Protein Blenders, Inc., near Iowa City, Iowa, and the addition of transferee as a respondent in Docket No. MC 110349 Sub 4.

William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-9586; Filed, Nov. 10, 1959; 8:51 a.m.]

ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK

Miscellaneous Amendments

OCTOBER 22, 1959.

The Interstate Commerce Commission announces the following changes in the Commission's Organization Minutes relating to the Organization of Divisions and Boards and Assignment of Work, under authority of section 17 of the Interstate Commerce Act:

1. Under the heading Assignment of Duties to Division, 4.2 Division One—Operating Rights Division, add the following item, to be designated 4.2 (w), the present Item 4.2 (w) now being designated 4.2 (x):

Section 5(2), so far as related to authorizing continuance of control, within the principle of the Hannon and Schwerman cases, 39 M.C.C. 620, 80 M.C.C. 382, upon institution of newly-authorized operations.

2. Under the heading Assignment of Duties to Division, 4.6 Division Four—Finance Division, the addition of a parenthetical exception changes Item 4.6(b) to read:

Section 5(2) (except matters assigned in Item 4.2(w)) to (13), inclusive, and section 210a(b) relating to the consolidation, merger, purchase, lease operating contracts, and acquisition of control of carriers, and to non-carrier control, including matters of public convenience and necessity under section 207 and consistency with the public interest under section 209 directly related thereto.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-9587; Filed, Nov. 10, 1959; 8:52 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

HAROLD M. BOTKIN

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last submission, published May 21, 1959 (24 F.R. 4119).

Dated: October 24, 1959.

HAROLD M. BOTKIN.

[F.R. Doc. 59-9526; Filed, Nov. 10, 1959; 8:45 a.m.]

HENRY W. CLARK

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since submission of previous statement, published July 9, 1959 (24 F.R. 5557).

Dated: October 26, 1959.

HENRY W. CLARK.

[F.R. Doc. 59-9527; Filed, Nov. 10, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 811-784; 812-1263]

McPHAIL CANDY CORP.

Notice of Filing of Application for Order of Deregistration or exemption

NOVEMBER 4, 1959.

Notice is hereby given that the McPhail Candy Corporation, a registered closed-end investment company, has filed an application seeking the entry of an order pursuant to the provisions of section 8(f) of the Act terminating its registration as an investment company, or, in the alternative, the entry of an order, pursuant to the provisions of section 6(c) of the Act, exempting the applicant from all the provisions of the Act.

This Commission has heretofore instituted an action in the United States District Court for the Southern District of New York entitled Securities and Exchange Commission v. Russell McPhail G. Marion Martin, Dan McL. Martin and McPhail Candy Corporation. The complaint in said action charged that the individual defendants committed acts involving gross misconduct and gross abuse of trust with respect to McPhail Candy Corporation. It was alleged that, from time to time since April 1, 1953, McPhail, the president and principal stockholder of the corporation, employed the corporate assets in an attempt to gain control, or to make secure his control, of various other corporations so as to provide himself with substantial emoluments of office in those corporations and otherwise to promote his personal interests. It was also alleged that McPhail fraudulently diverted to himself corporate assets and profits, and fraudulently caused the corporation's books and accounts to be manipulated with the result that certain reports to stockholders and to this Commission were false and misleading. It was further alleged that the Corporation has been an investment company since on or before April 1, 1953, although it did not register with the Commission as such until October 28, 1957, and as a consequence certain of the transactions between McPhail and the corporation during such period of time were in violation of the Investment Company Act of 1940. It was also alleged that the failure of the directors to seek restitution on account of such misconduct and their failure to seek the recission of various transactions between McPhail and the corporation because of the alleged fraud and because they were made in violation of the Act, constituted gross misconduct and gross abuse of trust on the part of McPhail and the Martins. The complaint sought to enjoin McPhail and the Martins from continuing to serve as directors or officers of any registered investment company; it also sought the appointment of a receiver, an accounting by McPhail of all profits received by him as a result of the acts alleged, and the restitution of damages suffered by the corporation.

Certain representatives of the preferred and common stock of the corporation who had instituted a similar action against these same defendants in the Chancery Court of New Castle County, Delaware, were permitted to intervene in the Commission's action.

The defendants generally denied the material allegations of the Commission's complaint, but in the interest of settling the litigation Russell McPhail made an offer to compromise all said claims against him for $325,000. The compromise, which was subject to various conditions also provided for, (i) the entry of a consent decree by the court enjoining McPhail and the Martins from serving as directors or officers of any registered investment company and (ii) an offer to purchase the corporation's preferred and common stock. The compromise offer, which was approved by the United States District Court as fair and equitable, provided that the price to be paid for the preferred stock would be its par value of $10 per share plus accumulated dividends to the date of payment. The accumulated dividends

amounted to $4.03⅓ as of July 31, 1959. The price to be paid for the common stock would be $4.11 per share, which was based on the $325,000 settlement figure plus the value of the corporation's assets at March 31, 1959 with the exception of shares of common stock of L. S. Starret Co. which were valued at $85 per share rather than $71.50, their market price at said date.

In August 1959 a written offer to purchase the preferred and common stocks of the applicant corporation was made to its security holders, other than McPhail, in which the foregoing facts were recited. In connection with the written offer it was pointed out that the compromise was conditioned, among other things, on the entry of an order by this Commission which would have the effect of terminating the Corporation's registration as an investment company or exempting the Corporation from all the provisions of the Investment Company Act. It further pointed out that under the Investment Company Act, a registered investment company is entitled to termination of its registration if its outstanding securities are beneficially owned by not more than 100 persons. Accordingly, if the company ceased to be subject to the Investment Company Act, those stockholders not accepting the offer would continue to be stockholders in the corporation, the present management would continue and the continuing stockholders would no longer have the protection afforded by the Investment Company Act. On the other hand, the offer pointed out that if the compromise did not become effective the offer to purchase the preferred and common stocks would not be binding, and in such event, the corporation would continue to be a registered investment company and the Commission's action would be restored to the trial calendar, and the outcome of such litigation could not be predicted.

The present application recites that pursuant to the purchase offer described above, the holders of all but 1,730 shares of preferred stock have elected to accept the offer, and that the corporation, pursuant to the terms of the preferred stock, will call all of such remaining stock for redemption, other than shares owned by McPhail, thus eliminating this class of public security holders.

With respect to the common stock the present application states that all common stockholders, with the exception of 120 stockholders owning 14,309 shares of stock, have deposited their shares in accordance with the offer to purchase the same. Of such 120 stockholders, five stockholders holding a total of 365 shares have lost their certificates and will deposit their shares when new certificates are issued to them, and three other stockholders have indicated an intention to accept the offer. Of the remaining 112 stockholders, the company has been unable to locate 24 stockholders in spite of efforts by and on its behalf including the employment of professional "tracers."

Applicants contend, in support of said application, that it was not the congressional intention to regulate private, as opposed to public, investment companies, because the national public interest is unaffected by such private companies. They contend that such intention is manifest in section 3(c)(1) which excepts from the definition of an investment company any company whose securities are beneficially owned by not more than 100 persons and which is not making, and does not propose to make, a public offering of its securities. Applicant further contends that of the 112 persons to appear on its records as the beneficial owners of its securities, four are the defendants herein or members of their families, and the 24 who are unlocated may be presumed to be dead or missing and their interest in the company abandoned or lost so that there is literal compliance with the provisions of section 3(c)(1). Applicant also contends that even if it be considered that literal compliance with section 3(c)(1) has not been shown, under all the facts and circumstances of this case it would be consistent with the standards of section 6(c) to exempt it from all the provisions of the Act.

Applicant has stated its willingness to offer, for a period of one year from the date of the requested order herein, to purchase, at a price of $4.11 per share, all shares of common stock of any individual stockholder which may be tendered, provided, however, that such offer may be withdrawn at any time that the aggregate number of common stockholders of record is less than one hundred. Applicant has agreed that if the order which it requests herein is conditioned upon the making of such further offer to purchase shares it will be deemed by Applicant to meet the relevant condition of its compromise offer.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person from all the provisions of the Act if it finds that such exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than November 19, 1959 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 59-9575; Filed, Nov. 10, 1959; 8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during November. Proposed rules, as opposed to final actions, are identified as such.